

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

UNITED STATES OF AMERICA,

V.

RAJESH KOTHARY

Defendant.

Case No: 1:17-CR-00289-001

Judge Leonie M. Brinkema

Sentencing: June 15, 2018

DEFENDANT'S MEMORANDUM IN AID OF SENTENCING

The defendant, Rajesh Kothary, entered a guilty plea to a one count of conspiracy to commit wire fraud in violation of 18 U.S.C. § 1349. The offense conduct stems from Mr. Kothary assisting Farouk Ahmed, a long-time friend, submit invoices to The Centech Group, Inc. (hereinafter “Centech”) for computer equipment and services that Mr. Kothary now knows were not provided to Centech. Mr. Kothary believed that he was assisting Mr. Ahmed skim funds from Centech. Mr. Ahmed told Mr. Kothary he could buy and deliver goods and services at a discounted rate and bill Centech at the higher rate if Mr. Kothary would issue the invoices for the higher rate through his company, NextGen Solutions. Mr. Ahmed told Mr. Kothary that he would deliver the goods and services and the two could then split the profits, which for Mr. Kothary amounted to \$51,136 during the relevant time frame of this matter.

As a result of the instant offense, Mr. Kothary faces the prospect of incarceration as well as the loss of his job, source of income, and reputation. Mr. Kothary has had no prior contact with the criminal justice system and for the first time in his life, he will be sentenced for a crime. His regret for the situation and dishonor that he has brought upon himself and his family is immeasurable.

To his credit, Mr. Kothary accepted responsibility for his actions and will, prior to sentencing, pay the forfeiture amount of \$51,136. He will also be responsible for restitution for the \$594,662.72. Of course, Mr. Kothary will likely shoulder the burden of this payment because the instigator of this scheme, Farouk Ahmed, has fled the United States and is unlikely to return.

Through counsel, Mr. Kothary now respectfully submits this memorandum as an aid to the Court's sentencing decision. In the post-*Booker* era, the sentencing court's duty is to consider all the factors identified in 18 U.S.C. § 3553(a) and "impose a sentence sufficient, but not greater than necessary" to comply with the purposes of sentencing set forth in the statute. *See* 18 U.S.C. § 3553(a). The applicable range under the advisory Sentencing Guidelines is one factor that the Court must consider when imposing sentence, but the Court "may not presume that the Guidelines range is reasonable." *Gall v. United States*, 552 U.S. 38, 50 (2007). In this case, the defense agrees with the Presentence Investigation Report (PIR) that the applicable advisory Guidelines range is 21 to 27 months' imprisonment.

For the reasons discussed below, Mr. Kothary submits that a lesser sentence of intermittent confinement coupled with one year of home incarceration will fully serve the purposes of federal sentencing when one considers Mr. Kothary's acceptance of responsibility, the history and personal characteristics of Mr. Kothary, and Mr. Kothary's payment of \$51,136, which in essence disgorges the proceeds he received.

I. The Advisory Sentencing Guidelines Range

Mr. Kothary does not dispute that his advisory Guidelines range is, as the PIR reflects, 21 to 27 months. Based on the plea agreement, the PIR, and the government's sentencing memorandum, Mr. Kothary believes that the applicable advisory Guidelines range will be undisputed at sentencing.

A. *Policy Statements and Considerations*

We ask the Court to give limited weight to the advisory Guidelines range because the fraud Guidelines are not supported by empirical evidence. When a Guidelines range is not the product of “empirical data and national experience,” courts have the discretion to conclude that the recommended sentence fails to achieve the purposes of federal sentencing under 18 U.S.C. § 3553(a), even in “mine-run” cases. *See Kimbrough v. United States*, 552 U.S. at 109-10; *see also United States v. Nolasco-Ramirez*, 391 F. App’x 309, 311 (4th Cir. 2010) (finding that courts are “free to consider policy decisions behind the Guidelines, including the presence or absence of empirical data....”); *see generally United States v. Engle*, 592 F.3d 495, 502 (4th Cir. 2010) (“We recognize that in the *post-Booker* sentencing world, district courts must give due consideration to relevant policy statements, but those policy statements are no more binding than any other part of the Guidelines. Accordingly, district courts may ‘vary from Guidelines ranges based solely on policy considerations, including disagreements with the Guidelines.’” (quoting *Kimbrough*, 552 U.S. at 101)).

Courts have criticized the role the Guidelines play in increased incarceration rates through the overly formulaic and loss-motivated enhancements that attend to financial crimes like fraud. *See, e.g., United States v. Gupta*, 904 F. Supp. 2d 349, 351 (S.D.N.Y. 2012) (“By making a Guidelines sentence turn on this single factor [loss or gain], the Sentencing Commission ignored [§ 3553(a)] and...effectively guaranteed that many such sentences would be irrational on their face.”); *United States v. Adelson*, 441 F. Supp. 2d 506, 512 (S.D.N.Y. 2006) (lamenting the advisory Guidelines range in a fraud case that revealed “the utter travesty of justice that sometimes results from the guidelines’ fetish with abstract arithmetic, as well as the harm that guideline calculations can visit on human beings if not cabined by common sense”).

Also lost in the Guidelines analysis is Congress's original directive to the Sentencing Commission to "insure that the guidelines reflect the general appropriateness of *imposing a sentence other than imprisonment* in cases in which the defendant is a first offender who has not been convicted of a crime of violence or an otherwise serious offense...." *See* 28 U.S.C. § 994(j) (emphasis added). In addition to the well documented crisis of over-incarceration, particularly in the federal system, courts should focus more on whether incarceration is necessary, as opposed to if incarceration is recommended by the Guidelines. This is not an unfamiliar concept as § 3553(a) requires district courts to impose sentences that are sufficient, but not greater than necessary, to comply with the stated purposes of the federal sentencing statutes. For these and all the reasons set forth here, we submit that a downward variance from the advisory Guidelines range of imprisonment to a non-incarceration sentence is appropriate in this case.

Indeed, if the Court were to vary from the overall loss amount and instead find the loss amount as the \$51,136 that Mr. Kothary himself received under § 2B1.1, his offense level after the adjustments for acceptance and minor role would result in an offense level of 9 with an advisory guidelines sentence of 4-10 months. As detailed below, this is a just result when the Court factors in the unique characteristics of Mr. Kothary as well as recent cases we have cited.

II. The Other § 3553 Factors

Section 3553 requires a sentencing court to impose a sentence that is "sufficient, but not greater than necessary" to comply with the four purposes of federal sentencing. 18 U.S.C. § 3553(a). Those four purposes are the need for the sentence imposed to: (1) reflect the seriousness of the offense, promote respect for the law, and provide just punishment; (2) afford adequate deterrence to criminal conduct; (3) protect the public from further crimes of the defendant; and (4) provide the defendant with needed training, medical care, or other correctional treatment in the

most effective manner. 18 U.S.C. § 3553(a)(2). In addition, section 3553 requires district courts to consider the following factors (in addition to the advisory Guidelines range and any pertinent policy statements issued by the Sentencing Commission) in imposing sentence: (1) the nature and circumstances of the offense and the history and characteristics of the defendant; (2) the kinds of sentences available; (3) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and (4) the need to provide restitution to any victim(s). 18 U.S.C. § 3553(a)(1)-(7). For the reasons that follow, Mr. Kothary submits that a downward variance from the advisory Sentencing Guidelines range is warranted in this case.

A. The Nature and Circumstances of Mr. Kothary's Offense

Mr. Kothary accepts the statement of his offense conduct contained in the PIR, however, it is important for the Court to understand how Mr. Kothary came to participate in this scheme. It should be noted from the outset, that Mr. Kothary was neither the architect nor engineer of the scheme. Rather, he is someone who regrettably trusted a friend who offered him a chance to earn extra money by participating in this endeavor.

Mr. Kothary and Mr. Ahmed became friends in or around the year 2000. At the time, Mr. Kothary was working at a company called Arbros Communications and the men met on a work-related project. As they worked together, Mr. Kothary quickly learned that Mr. Ahmed was held in high regard by the executives at Centech, including Ken Williams, the Vice-President of Finance and the brother of the company's owner.

Over time, their relationship continued to grow and the men became closer friends. By this time, Mr. Kothary came to admire and trust Mr. Ahmed, like many of his colleagues at Centech. Mr. Kothary was eventually laid-off by Arbros but he maintained his relationship with Mr. Ahmed.

Mr. Kothary formed his own company NexGen solutions in June of 2002 and he would visit Mr. Ahmed at Centech while working for Royal Systems with the hope of obtaining contracts. Mr. Ahmed attempted to assist Mr. Kothary in obtaining contracts but, unfortunately, none of the opportunities materialized.

In 2005, Mr. Ahmed approached Mr. Kothary and informed him that there was an opportunity for NexGen to do business with Centech. Mr. Ahmed told Mr. Kothary that he could obtain hardware and software from vendors at a lower cost than what Centech was currently paying. Mr. Ahmed told Mr. Kothary that he would purchase the items at this lower price and that the two could invoice Centech for the slightly higher price through NexGen Solutions and the two could split the profits. Mr. Kothary knew that this was wrong but he and Mr. Ahmed rationalized that Centech was still getting a lower price from Mr. Ahmed's vendors.

Mr. Ahmed would provide the description of items, quantity, and price. Mr. Kothary would prepare the quotes and email them to Mr. Ahmed. Mr. Kothary would make payments to himself to advance and finance the sales, because, as Mr. Ahmed described it, he would purchase the items and have them shipped directly to Centech. Centech would then pay the invoice to Mr. Kothary. Mr. Ahmed would tell Mr. Kothary how much money he would profit from each transaction.

As the scheme progressed, Mr. Ahmed would ask Mr. Kothary to prepare quotes on tight deadlines and it began to interfere with Mr. Kothary's full-time employment. Mr. Kothary could not meet up with the demands, and as a result, Mr. Ahmed asked for permission to use a NextGen template so he could complete the quotes on an expedited basis. Mr. Ahmed explained that Centech had a large contract with a government agency and he often had to fill quotes on an expedited

basis. Regrettably, Mr. Kothary trusted Mr. Ahmed and allowed him to do this. Mr. Kothary continued to receive checks and split the profit with Mr. Ahmed.

Mr. Kothary trusted Mr. Ahmed so much that he provided loans to Mr. Ahmed totaling \$22,150, almost half of what he earned from the scheme. Of course, Mr. Ahmed never repaid this money. Mr. Kothary also paid Virginia state sales tax on the sale of these goods from 2006 to 2013.

Mr. Kothary knew that he was fraudulently assisting Mr. Ahmed in committing honest services fraud. He knew that any cost savings that Mr. Ahmed could secure should have been for the benefit of Centech. He knew that it was wrong for him and Mr. Ahmed to benefit financially.

Mr. Kothary believed that goods were being provided. He had no idea that Mr. Ahmed had an additional co-conspirator and was surprised to learn of the magnitude of Mr. Ahmed's fraud. Mr. Kothary's conduct was wrong, and he offers no justification for it. In assessing the appropriate sentence, however, he asks the Court to consider that he has never before engaged in criminal conduct in his life and will never do so again. His conduct devastated his family and Mr. Kothary holds great shame from his actions.

Mr. Kothary's offense was a serious lapse in judgment that he will regret for the rest of his life. His plea and payment of forfeiture illustrate that he has done all within his power to atone for his actions. The conduct does not define who he is, but as a convicted felon, he will certainly have a large blemish on his record.

B. *The History and Characteristics of Mr. Kothary*

Section 3553(a) "requires court to take into account relevant facts to a defendant's history and characteristics," such as defendants lack of criminal history, age, efforts at rehabilitation and efforts to cooperate with the government. *United States v. Delaney*, 651 F.3d 15, 20 (D.C. Cir.

2011) (*internal citations omitted*). In addition, “[n]o limitation shall be placed on the information concerning the background, character, and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence.” *Id.* 18 U.S.C. § 3661; *see United States v. Anderson*, 632 F.3d 1264, 1270 (D.C. Cir. 2011) (citing 18 U.S.C. § 3661; *United States v. Tucker*, 404 U.S. 443, 92 S.Ct. 589, 30 L.Ed.2d 592 (1972)).

We respectfully submit that consideration of the aforementioned factors support a substantial downward variance from the applicable Sentencing Guidelines range. The fact that Mr. Kothary accepted a guilty plea for his conduct and has repaid the money he profited reflects a greater truth about this defendant: Mr. Kothary’s actual character is that of a law-abiding, responsible, and hard-working citizen. He knows he acted improperly, and he has taken every step available to him to make amends swiftly. Based on Mr. Kothary’s lack of a criminal history, and his overall character, we respectfully ask the Court to conclude that he is truly remorseful and that Mr. Kothary’s history and characteristics weigh in favor of leniency.

No one can attest to Mr. Kothary’s history and characteristics more than the people that know him the best and have known him the longest. The theme in the letters submitted to the Court make clear that Rajesh Kothary is a hard-working man who is dedicated to his family and helping others. His friends and family know that he deeply regrets his actions and will never repeat them. Indeed, the letters illustrate how warmly and affectionately his friends and family feel about him. Most strikingly, Mr. Kothary’s employer is aware of his conduct and is prepared to allow him to continue working at the company, despite his felony conviction. We respectfully submit that these testaments should be weighted heavily by the Court. *See Letters Attached as Exhibit 1.*

- Paul Arulldhas is an accountant at a law firm and is active as a member of an Adventist church. He and Mr. Kothary have been friends for 20 years. In a testament to how selfless Mr. Kothary is, Mr. Arulldhas describes that Mr. Kothary was his *only* friend that tested to see if he could donate one of his kidneys to Mr. Arulldhas' wife when she became ill. Mr. Arulldhas notes that although Mr. Kothary is not a member of his religion and church, Mr. Kothary always volunteers and participates in charitable church events.
- Ameer Kothary, Mr. Kothary's daughter, regards her father as the sole contributor to all her positive values and achievements. She describes her father's sacrifices in order to immigrate to the United States. She describes her father as generous and unmaterialistic. She observes that he can *only* see the good in people.
- Kush Kothary, one of Mr. Kothary's nephews, is an investment professional at BlackRock Inc. He has always considered his uncle as a second father, who is held in high-esteem by the extended family because of his honesty, compassion, and community service. Kush Kothary attributes his own community service and mentorships to his uncle's positive influence.
- Aparna Kothary, a niece, regards her uncle as a kind-hearted and community-oriented man. He is the family's backbone and "ring-leader" who unifies the family. He is a role model for the entire family and describes him as having "no malicious bone in his body."
- Shaileshi Kothary, one of Mr. Kothary's sisters-in-law, has known him for more than 40 years. She notes that not only does Rajesh coordinate almost all family gatherings, but he is also a key influence in upholding family values and their native culture. She notes he is very active in the local community. He is a committee member for an annual event in Maryland, donates to local charities as well as their place of worship.
- Jamie Lee is an attorney at a local litigation law firm. She has known Mr. Rajesh Kothary and his family for around two decades. She regards Mr. Kothary's eldest daughter, Jilna Kothary, as one of her closest friends. In regards to Mr. Kothary, Ms. Lee points out that his commitment to family and the community has remained consistent. She recalls first meeting Mr. Kothary and his willingness to embrace her like family. She also notes that Mr. Kothary is the "bedrock of the Kothary family."
- Dr. Kiran P. Patel has served the realm of public health for almost for almost 30 years and is a close friend of Mr. Rajesh Kothary since college. Dr. Patel describes Kothary and his family as those with sound morals and great family/cultural values.
- Mrs. Bhamini Kothary has been Rajesh Kothary's wife for 34 years. She has always admired his giving and friendly nature and his ability to uphold his values that also align with their religion. When they first re-located to the United States, he was the only one who worked and supported the family financially. He has a consistent pattern

of helping anyone less fortunate than him through donations and giving. “Rajesh has been a great partner in making sacrifices for the benefit of our children and family.”

- Yashna Kothary is a student at Rutgers University and is Mr. Kothary’s niece. She describes him as an “optimistic leader” for the family and a great mentor. She believes that Rajesh has the ability to see the best in people and that everyone is good-natured. She has observed that her uncle would not hesitate to help another human being and his he has had a positive impact on her.

These letters provide a glimpse into the sixty years of Mr. Kothary’s life and the significant impact he has had on his family, friends, and colleagues. We ask that the Court weigh these letters heavily when considering Mr. Kothary’s sentence.

C. *The Need to Avoid Unwarranted Sentence Disparities Among Defendants Who Have Been Found Guilty of Similar Offenses*

Section 3553(a)(6) directs the Court to consider the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct. *See* 18 U.S.C. § 3553(a)(6). In this regard, we invite the Court to consider the following cases as examples of the types of sentences that defendants who have engaged in conduct similar to Mr. Kothary’s have received. Pursuant to 18 U.S.C. § 3561, Mr. Kothary’s offense of conviction is probation-eligible. Our research has shown that such a sentence would be within the range of sentences received by other defendants sentenced in the federal courts for similar offenses.

- In *United States v. Paul Nathan DeWeese*, Case No. 1:16-CR-00076-RJJ (W.D. Mich. 2016), the district court imposed a sentence of three years’ probation and 250 hours of community service upon a doctor who pleaded guilty to one count of false statements relating to healthcare matters, in violation of 18 U.S.C. § 1035(a)(2). Dr. DeWeese owned, operated, and managed a number of medical clinics throughout Michigan. The medical clinics were staffed by nurse practitioners. Blue Cross Blue Shield Insurance stopped reimbursing nurse practitioners for performing nerve block injections unless certain indirect billing requirements were satisfied. Dr. DeWeese therefore directed his administrative assistant, and later his son, to access the electronic medical records and place his signature on certain progress notes, without actually having reviewed those notes. As a result of Dr. DeWeese’s conduct, his medical clinics received a total of \$172,991.56 in improper reimbursements. As part of the plea agreement, Dr.

DeWeese agreed to pay \$172,991.56 in restitution to Blue Cross Blue Shield. His sentencing guidelines were 24 to 36 months of imprisonment.

- In *United States v. Nicholas T. Borton*, 17:CR-21 (S.D. Ohio), the Defendant participated in a scheme in which he and others obtained set aside contracts under the Service Disabled Veteran-Owned Small Business program. He personally profited \$29,092.92 from contracts of \$1.4 million. The Court sentenced him to three years of probation.
- In *United States v. Antonella Carpenter*, Case No.4:14-cr-00135-JHP (N.D. Okla. 2014), the district court imposed a sentence of five years' probation and a \$1.1 million criminal forfeiture judgment after Ms. Carpenter was convicted on twenty-nine counts of mail and travel fraud after a trial. The government alleged that Ms. Carpenter orchestrated a scheme to obtain money from cancer patients when she falsely claimed she could cure their cancer by injecting a patient's tumor with a mixture of saline solution and food coloring or walnut hull extract and then heating the injected area with a laser. In the six-year period that Ms. Carpenter claimed to have treated these patients, she received \$1.1 million in fees. At sentencing, the government requested an upward variance from the sentencing guidelines, seeking a range of nine to eleven years because patients died. Ms. Carpenter's sentencing guidelines were 46 to 57 months.
- *United States v. Luke Joseph Wiermers*, 17-Cr-55 (S.D.GA.). Mr. Wiemers was sentenced to 5 year probation. He pled guilty to setting up false job postings at a hospital where he was employed and funneling payments for those postings to himself through Paypal and other banking sources totaling \$239,738.53. His advisory guideline range was 27 to 33 months.
- *United States v. Perrin Edwards*, 17-CR-127(N.Dist. N.Y.). Dr. Edwards, a podiatrist, fraudulently billed Medicare and private insurers \$147,930 for services he did not provide over a four year period. He was sentenced to one-year of probation, 50 hours of community services and to pay full restitution.
- *U.S. v. Deborah Pierce*, 16-Cr-502 (E.D. Missouri),. Ms. Pierce was a professor at Webster University in St. Louis. She fraudulently opened a bank in the name of a chapter of a Chinese cultural organization that was affiliated with Webster University and listed her home address on the account. She diverted more than \$375,019.91 in funds from the University and used the money personally. He was sentenced to five years of probation with a special condition that she write a 65 page journal within 60 days. The journal needed to explain why she engaged in the criminal conduct and explain what lessons she learned as a result of her conduct as a means of deterrence.

In addition to the cases outlined above, there are numerous examples where judges in similar fraud cases have sentenced defendants to probation. See *United States v. H. Ty Warner*, Case No. 1:13-cr-00731 (N.D. Ill. 2013) (sentencing Mr. Warner, who made his fortune by

creating Beanie Babies, to two years' probation after he pleaded guilty to one count of attempting to evade or defeat tax by hiding as much as \$106 million in multiple banks for over a decade and evading, at a minimum, \$5.5 million in taxes);¹ *see also United States v. Owen Li*, Case No. 1:15-cr-00870-RWS (S.D.N.Y. 2015) (sentencing Mr. Li to two years' probation and restitution in the amount of \$56.8 million after he pleaded guilty to one count of securities fraud and one count of making a materially false statement for lying to investors and the SEC regarding the performance of his hedge fund, Canarsie Capital, LLC); *United States v. Thelma Clemons*, Case No. 6:16-cr-00380-AA (D. Or. 2016) (sentencing Ms. Clemons to five years' probation and restitution in the amount of \$230,491 after she pleaded guilty to one count of wire fraud for embezzling money from a nonprofit organization dedicated to promoting career and educational programs for Oregon high school and community college students); *United States v. Jaime Suarez-Reyes*, Case No. 8:12-cr-00067-JFB-1 (D. Neb. 2012) (sentencing Mr. Suarez-Reyes, the owner of several fast food businesses, to one day of imprisonment followed by five years of supervised release requiring restitution in the amount of \$693,776.15 and 200 hours of community service after he pleaded guilty to one count of bank fraud for engaging in check kiting and fraudulently obtaining a significant sum of money from Tier One bank).

The facts here likewise warrant significant consideration in the form of a variance. Mr. Kothary's lack of a prior criminal record, his acceptance of responsibility and his repayment of the funds he improperly accepted, we submit, place him on a par with these defendants who have received probationary sentences for crimes involving fraud or theft. We therefore ask the Court

¹ The Seventh Circuit affirmed Mr. Warner's sentence of two years' probation and held: "[t]his is not a typical case. The district judge found Warner's record of charity and benevolence 'overwhelming.' Indeed, the judge remarked that Warner's conduct was unprecedented when viewed through the judge's more-than-three decades on the bench . . . District courts enjoy broad discretion to fashion an appropriate, individualized sentence in light of the factors in 18 U.S.C. § 3553(a)."

to afford Mr. Kothary the opportunity to prove his commitment to rehabilitation during a period of probation and intermittent and home confinement that permits Mr. Kothary, during his period of punishment, also to continue employment and provide for his family.

D. *The Purposes of Federal Sentencing*

As noted above, Congress has identified four purposes of federal sentencing that must guide district courts in selecting a sentence within the statutory penalty range. The sentence must be “sufficient, but not greater than necessary” to serve those purposes. With these guideposts in mind, Mr. Kothary respectfully asks the Court to apply a downward variance from the advisory Guidelines range and sentence him to a period of probation conditioned upon home confinement.

The first purpose of federal sentencing is “to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense.” From this day forward, Mr. Kothary will stand convicted of a serious federal offense. Mr. Kothary is ashamed of the situation he has brought upon himself, and he is mortified that he finds himself, at age 60, facing a federal criminal sentencing. In deciding the type of sentence that will provide “just punishment” for Mr. Kothary’s offense, the Court should consider that the offense was uncharacteristic of Mr. Kothary’s otherwise law abiding history.

The second purpose of federal sentencing is “to afford adequate deterrence to criminal conduct.” This goal would be fully served by a sentence of probation and intermittent confinement and home confinement. A strong message of deterrence has been sent to the public and has certainly been received by Mr. Kothary. Mr. Kothary is as deterred from future criminal activity as any individual could be.

The Supreme Court recognized in *Gall v. United States*, 552 U.S. 38, 48-49; 128 S.Ct. 586 595-56 (2007), that although custodial sentences are more severe than probationary sentences,

[o]ffenders on probation are nonetheless subject to several standard conditions that substantially restrict their liberty. See *United States v. Knights*, 534 U.S. 112, 119, 122 S.Ct. 587, 151 L.Ed.2d 497 (2001) (“Inherent in the very nature of probation is that probationers ‘do not enjoy the absolute liberty to which every citizen is entitled’ ” (quoting *Griffin v. Wisconsin*, 483 U.S. 868, 874, 107 S.Ct. 3164, 97 L.Ed.2d 709 (1987))). Probationers may not leave the judicial district, move, or change jobs without notifying, and in some cases receiving permission from, their probation officer or the court. They must report regularly to their probation officer, permit unannounced visits to their homes, refrain from associating with any person convicted of a felony, and refrain from excessive drinking. USSG § 5B1.3. Most probationers are also subject to individual “special conditions” imposed by the court. Gall, for instance, may not patronize any establishment that derives more than 50% of its revenue from the sale of alcohol, and must submit to random drug tests as directed by his probation officer. App. 109.

The proposed sentence here is even more stringent than a straight probationary sentence. A sentence of intermittent confinement and one year of home incarceration will significantly restrain Mr. Kothary’s liberty for a lengthy period of time. It will send a strict message of deterrence and is a significant form of punishment for Mr. Kothary given the unique circumstances presented here. In addition, Mr. Kothary is willing to work many hours of community service.

The third purpose of federal sentencing is “to protect the public from further crimes of the defendant.” Mr. Kothary is being sentenced for a crime for the first time in his life. He has had no previous contact with the criminal justice system at all. The absence of a criminal history is a valid reason for finding that the purposes of sentencing will be adequately served by a sentence below the advisory Guidelines range. See, e.g., *United States v. Huckins*, 529 F.3d 1312, 1318-19 (10th Cir. 2008) (a district court “may weigh a defendant’s lack of a criminal record” in deciding whether to grant a downward variance from the advisory Guidelines range “even when the defendant has been placed into a criminal history category of I”). Mr. Kothary also has a lifelong history of working hard and providing for his family. He presents no danger of recidivism.

The fourth purpose of federal sentencing is to “provide the defendant with needed training, medical care, or other correctional treatment in the most effective manner.” None of those factors are applicable here.

In sum, Mr. Kothary implores the Court to exercise leniency and impose a sentence of probation with a special condition of intermittent confinement and one-year sentence of home confinement. Mr. Kothary recognizes the wrongfulness of his criminal conduct, and he acted swiftly to accept full responsibility and make amends. His lack of a prior criminal record, demonstrated work ethic, and the many ways in which he already has been punished for his crime are compelling evidence that leniency in this case is fully consistent with the Court’s statutory mandate to impose a sentence that is “sufficient, but not greater than necessary” to serve the purposes of federal sentencing.

CONCLUSION

WHEREFORE, based on the foregoing reasons and any others that may appear to the Court, defendant Rajesh Kothary respectfully submits that a sentence of probation and home incarceration is sufficient, but not greater than necessary, to comply with the purposes of federal sentencing set forth in 18 U.S.C. § 3553(a).

Date: June 11, 2018

Respectfully submitted,

/s/ Stuart A. Sears

Stuart A. Sears (VA Bar 71436)

Danny C. Onorato

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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of June, 2018, I electronically filed a true copy of the foregoing motion with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to all parties.

/s/ Stuart A. Sears

Stuart A. Sears

VA Bar 71436

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EXHIBIT A

May 15, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

I am Paul Aruldas, I managed a business in Washington DC for several years and now work as an accountant in a law firm in Glenburnie. I serve as an elder at the Southern Asian Seventh day Adventist church in Silver Spring Maryland.

I have Known Raj Kothary since 1998. We met at a community center playing badminton. He organized the first badminton tournament that I played in. He inspired me to Start an annual badminton tournament at my church where Raj comes to play every week. We have played as badminton partners in several tournaments. He is a man of his word and is very competitive.

Raj is an active supporter of our church charity events with his cricket skills. He always volunteers to support our youth mission trip fundraising events. Raj has always been honest and fair in all our interactions. I have never seen him loose his temper or say anything negative about anyone. He is always the first to calm down disputes and heated arguments.

My wife was on dialysis for seven years and had other health issues. It was a difficult period of my life. Raj would always ask about the welfare of my wife's health every week. He would always have something encouraging and positive to say that helped me cope with my wife's health issues. He was the only friend who went and got his kidney tested to see if he could be a compatible donor for my wife. Unfortunately, his medical condition prevented him from being a donor. This unselfish gesture has made me respect him even more.

As a friend of Raj Kothary, I respectfully request the court to show leniency and mercy in his sentencing.

Sincerely,

Paul Aruldas

4/15/2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

My name is Vinay Chetnani, working at Boulder International Inc. as a Marketing Manager. I am married to Rajashree Kothary and we live in New Jersey.

I have known Rajesh Kothary since the year 2006. He has been a very caring and loving person. I notice he loves not only his own family but also the entire extended family. He is a very reliable and trustworthy person, you can always count on him in times of crisis.

In the years I've known Rajesh Kothary, he has been very supportive of my role in his late brother's family's life. He always considered me as his own brother. The best quality about him is his caring nature.

Rajesh Kothary is a good man and I know he could never betray anyone. I kindly request you to be lenient on this case.

Sincerely,

Vinay Chetnani

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square Alexandria Va, 22302

Dear Honorable Leonie M. Brinkema,

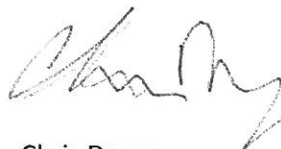
My name is Chris Drury. I have had the pleasure of working closely with Rajesh Kothary for the past 11 years at Clear Connection in Beltsville MD. Our professional relationship has extended beyond the workplace and he has joined me on the weekends with my family – one of a very few work friends who have done so in my office.

My four children (aged 11 to 3) absolutely “adore” Raj and his warm smiles. When I am not looking, he always sneaks away to the office candy machine and my kids come back with a chocolate treat or two. I often wonder who they want to see more on their visits to the office – Raj or me! He is always a topic of conversation when I talk about work with them. I have had the wonderful opportunity to meet his beautiful wife, son, and daughter on several occasions and you can see what a great husband and father he is to his immediate family and how his fun and exciting personality make him a favorite uncle among his relatives. He is a wonderful role model and is someone I would love to emulate.

As a coworker, Raj is easily one of the most dedicated and hardest workers I know. He is my sales engineer and is often tasked with grueling work that requires long late nights at the office and zero margins for error. He never settles for anything less than our very best and refuses to take shortcuts and always goes the extra mile. Despite the difficulties, Raj will always rise to the needs of others and sacrifice his free time to help us in need. Most amazingly, he does it every time without complaining – a feat I could never match.

I thank you so much for the opportunity to share a few details on who I consider to be one of the most honest and friendly people I know. Please let me know if there are any additional details I could share.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Drury", with a long, sweeping horizontal line extending to the right.

Chris Drury

1303 Aleika Ct Severn MD 21144

May 21, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

My name is Nicholas Fung and I am an electronics engineer that has worked for the US Army Research Laboratory for over 15 years. I am writing to vouch for the character and integrity of Rajesh Kothary.

I am engaged to marry Namita Kothary, one of Rajesh's nieces. I have had the pleasure of getting to know Rajesh and his family over the last year. I have come to know him as an exceptional family man that is dedicated to his personal relationships.

Coming from a smaller family that is scattered across the country, it was intimidating to join a large, close knit family like the Kotharys. I am very much the "nerdy introvert" stereotype, but Rajesh has been nothing but welcoming and kind to me. He has opened his home to me and accepted me as one of the family. Rajesh and his family have included me in a number of family events: hosting for several dinners, family birthdays, and other events. He has also allowed me to attend a religious prayer session at their home. Words cannot express how important these gestures have been to me.

To me, Rajesh is first and foremost a family man. I have seen the love that his family has shown for him, organizing a birthday vacation for over 25 family members include several from London. He was unfortunately unable to attend this vacation because of this upcoming trial, which I know has caused him a great deal of sadness. I have seen the pain that my fiancé and her family have endured over this ordeal, filled with tears and restless nights. I know how important it is for Rajesh that he be involved in the upcoming weddings of his niece (my fiancé) and his daughter later this year.

I respectfully ask for leniency for Rajesh Kaka, an honorary title for "uncle" that he has request I use. The man that I have come to know would not intentionally jeopardize the precious time he has with his beloved family. I am more than certain that he is full of regret and sadness over what has occurred.

Sincerely,

Nicholas Fung



Technology | Convergence | People | Management

May 4, 2018

The Honorable Leonie M. Brinkema

Re: Raj Kothary

You're Honor:

My name is John Herrold and I am the Vice President of Sales for Clear Connection, Inc. where Raj Kothary has been employed since I made him an offer of employment and hired him in September 2006. He is an indispensable member of our sales and technical teams. We are a technology integration company specializing in the areas of telecom, IT, security and network integration. As our Sales Engineer, Raj is the primary individual with the responsibility for technical design and configuration of our sales quotes and is required to maintain security clearance in all of the jurisdictions where we do business. This would include the DMV metropolitan areas as well as Baltimore. Raj has always been and remains a vital part of our sales team and is our only Sales Engineer supporting our sales team and company executives.

During the 11 plus years that I have worked with and managed Raj, I have been fortunate to have gotten to know Raj at a personal level. He is a wonderful, caring individual who holds a deep love and respect for his family, friends, his religion and his fellow employees. Through our professional relationship, we have spent a lot of time together. One of the attributes that I have always admired about Raj is that he has always gone out of his way to do the right thing. He is an honest and dedicated individual and always goes the extra mile for our clients and fellow team members that he is working with. Both Raj and I share a fondness for athletic competition and we both coach and mentor youth in the sports of our youth and have had many talks about the game of Cricket and Lacrosse. We both have large extended families who are not local. Raj has family in Kenya, in the United Kingdom as well as around the United States and we have always been supportive of him to take the time to visit his family, wherever they happen to be. He is a wonderful person, husband, father, technology professional and whom I am proud to call, my friend.

We are a small company and many of our employees have been with us for over 10 years, several over 20! We consider each and every one of them like family and Raj is no exception. He is an indispensable member of our family and it would be of great loss to us, professionally and personally if we were to lose him. Thank you.

Regards,

A handwritten signature in black ink, appearing to read "John E. Herrold", is written over a circular blue stamp that partially overlaps the signature.

John E. Herrold
Vice President - Sales & Marketing
CLEAR CONNECTION, Inc.

11850 Baltimore Avenue, Suite A, Beltsville, Maryland 20705

☎ (301) 289-3222 | 📠 (301) 289-3022

April 30, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

My name is Amee Kothary, and I am Rajesh's daughter. I am 31 years old, and am a graphic designer, working at American Association for Justice. Everything I am, my good values, all that I have accomplished are all because of the values instilled in me by Dad and his warm hearted and caring nature has left a lasting impression on me as an adult.

We moved to America when I was only 12 years old. My parents made a sacrifice by moving to this country, because they had a good life in Kenya. They emigrated to the United States for our education and future. At an older age, it is not easy to resettle your life. He had a good job in Kenya, family, and so many friends and a good social life in Kenya. I struggled in school in Kenya due to issues with concentration and comprehension, scored poorly on exams, which was due to a disability. Emigrating to the United States helped me get support and resources that I did not have in Kenya. Without their selfless sacrifice and hard working mindset and values that they have instilled on me— I would not have been successful in school and my career.

We have always lived a middle class life, and my dad never made us feel like we had less. He is compassionate, hard working, caring and is not materialistic. Throughout my childhood and adult life, he always said "money is not everything" and "you can have all the money in the world — but it will not make you happy." He taught me that it's okay to live a middle class life, to be caring and to give back to those that are less fortunate for you. He taught me not to be materialistic and to not to care about what you get in return. He always said "If you give, give with a good heart without expecting anything in return." He always encouraged my siblings and I to donate every year. During the numerous trips to Kenya, I recall fond memories of donating food to poor children, sponsoring a child's eye surgery in India, and we paid for wheelchairs in Kenya. He is very compassionate and says that god always helps those who do good for others.

My dad is very generous and doesn't like to take money from his children or others and he is selfless even when he needs it the most. Although my siblings and I live at home, we have on numerous times offered to pay for groceries, utilities, or whatever we can. During the case, my siblings and I learned of my parents financial situation, and having saved up for so many years, I offered to help them financially with the case, but they refused because he didn't want to take our money that we have saved. I said to him, "This is what you taught us, that money is not important and we have our whole lives to make money," but he still felt like he was burdening us by taking money from us. I was eager to help because money really is not important to me, and I wouldn't be the person I am without my Dad.

While most of my friends my age complain about all their issues with their parents, I am thankful that my relationship with my dad is not like that, and I will always be there for him through thick and thin because he has always supported me. He is very caring and is always willing to help another person. On December 2015, I was in the passenger side with my friend and she got into an accident. My friend's car had some damages, and I called my dad to tell him what happened. It was late in the night. My dad had never met my friend before, but he came to the site of accident with duct tape and helped her with her car on the shoulder lane of the road and even stayed back to talk to the cop. My friend said "WOW! Your dad is so nice. My dad would never do this for me. I wish my dad was like that." There have been numerous times where my dad has dropped what he was doing to help me and my siblings.

My dad has many phrases that he is known for. Some of them are: "Honesty is the best policy," and he always said "If you lie, god is watching. The truth will set you free." He hated lying, cheating, and did not tolerate it from his children. I remember one time we were going on a big family trip to the beach in New Jersey, with the whole extended family. I must have been 18 or 19. New Jersey beaches require a daily admission fee, and at that time it was less for kids under 16. As someone who has always looked young, I said to my dad "We can just pass as kids. No-one will know." My dad said to me, "No, that's not good. That's a lie and not honest." From that point onwards, I never made any suggestions where we would save money by lying because I knew my dad's stance on it; he didn't believe in shortcuts if you had to lie to get there. To this day, anytime I have to tell a white lie, I feel very bad and guilty.

My dad is very caring and is always willing to help others out and he always took care of his family and my late grandmother. He gave my grandmother a lot of love and taught us to do the same. When we visited Kenya to see my mom's parents, he gave them love like they were his own parents. He has many friends, and people often go to him for help and he never refuses. He does so much for my siblings and I, without expecting anything in return, even when we are grown adults.

My dad is also very positive and naive, which also makes it hard for him to see the negative things around him, gives people the benefit of the doubt. I have never heard him complain about any of his friends or family. He trusts those around him and gives any friendship his all. I have at times questioned why he goes above and beyond for others, and he says "They need my help and I have to do what I can. If you help someone, help them with an open heart and not to expect anything in return." My dad is the type to see what he wants to see and trusting those around him to be good unless proven guilty. Most people would see certain clues and think negatively but my dad does not think like that.

My dad is a good person, who is hard working, honest and compassionate. It is my hope that you will be lenient with him.

Sincerely,

Amee Kothary

April 27, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

My name is Aparna Kothary and I am writing this letter on behalf of my family (my husband - Karthik Subramaniam and our young daughter). We have lived in California for the last five years where I work for a global education non-profit organization and my husband works in the technology sector. My career has been in the nonprofit industry including a civil and immigrant rights organization and a global leadership development organization.

Before moving to California, I lived in Maryland where I was raised. Rajesh Kothary is my uncle - my father's younger brother. I have known him and my family for my whole life (33 years). Before they moved to the United States we would visit them in Kenya, and once they moved to the United States we saw them very frequently as they lived right down the street from us.

I imagine you must receive many letters that look and sound similar so I wish I could express to you the respect, admiration, and gratitude I have for my uncle in person. I have truly never met a person as kind-hearted, community oriented, or family focused as Rajesh Kaka (Kaka is what we call an uncle in our language).

I feel so blessed to be part of a family that is incredibly loyal and exemplifies the concept of unconditional love. I have no doubt in my mind that if I, or anyone else in our family, was in need of anything, another family member would step in immediately and without complaint. The credit to this goes to my father and his siblings - they are the backbone of this family and they conduct their lives with the strong values of honesty, kindness, and service. Rajesh Kaka exemplifies all of these traits in spades.

We have encountered some trying times in our family - the loss of a sibling to sickness due to a genetic cancer disorder that has been the cause of major surgery for two more of the siblings (including my father), the early loss of the matriarch of the family, families moving from Kenya to the US and having to start from scratch, etc. Through it all we have remained close as a family across all generations. I am often reminded that not all families are like this. Not all families cram 30+ people into small houses for frequent get-togethers to celebrate Thanksgiving, engagements, Indian new year, etc. Not all families relish their time together and start planning for the next get-together even before the current gathering is over.

Rajesh Kaka is often the ringleader of these get-togethers. He is known for creating games for our families - a trivia game to make sure we don't forget important facts about our grandparents, a newlywed game to get to know the new members of our family, a singing competition between the generations. I will never forget that Rajesh Kaka planned the "game day" for my wedding. We wanted to have an event that allowed both of our families to get to know each other before our wedding and he planned an incredible day of relay races, competitions, ending with a cricket match. I am forever grateful for the time, energy, and enthusiasm he puts into activities like this. Outside of the family you can see him pour his heart and soul into activities like Burtonsville Day (a local community parade and fair) and coaching multiple youth cricket teams. He truly loves giving as much of himself as he can to his family and community.

As a new mother, it was very hard for me to be living across the country from the rest of my family. This feeling was compounded by the fact that Rajesh Kaka completely and utterly adores kids. He was so excited when he found out I was pregnant and when I had my daughter. We try to video chat as much as possible because it is so important for me that my daughter gets to know such an important person in my life. I have grown up with him and seen him live his values. I want her to learn everything she can from him, as I try to do every day.

Rajesh Kaka and his family had built a community and life in Kenya and deciding to uproot their lives there to move to the US so their kids could have more opportunities could not have been an easy decision. I am so inspired by how he was able to put energy into rebuilding community here and being an amazing role model for his family. His kids, my cousins, value family just as much as he does and that is a value that we will never let go of.

I know that Rajesh Kaka tries to see the best in people and tries to assume positive intent. In the world we live in, that can be so challenging, but his positivity and faith in humanity is inspiring. It is rare to come across someone who has no malicious bone in his body - I have never heard him think or wish ill on people and that is a trait that I hope to embody as I continue to learn and grow.

While I understand I cannot comment on the sentence or the charges, I respectfully request leniency in this case. It would mean so much to me, my husband, our daughter, and our entire family.

I sincerely appreciate you reading this letter. Please know that I stand by every word and statement in this letter. For me, these are not contrived emotions but a genuine outpouring of love for someone who is immensely important to me.

Thank you for your time.

Sincerely,
Aparna Kothary and Karthik Subramaniam

April 26, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

My name is Bhamini Kothary, and I am Rajesh's wife of 34 years. I am a Relationship Banker at M&T Bank, and I have been there for 8 years. Unlike my husband, I am not very active in the community, but I lead my life as a Jain, and our major principles are non violence, honesty, non stealing and non attachment.

Ever since I met him and married him, I have admired his selfless, giving and friendly nature, as well as his character traits as a follower of Jainism like me. He makes friends easily and shows his trust and respect fully for everyone he meets. Throughout my life, I don't remember him ever having any arguments, or complaining about anyone. In the past, when I have questioned his trust in a person, he has said to me, "Don't generalize like that, you should always look at people with an open mind."

Early in our marriage, we lived in a joint family with his parents and two of his brothers in Kenya. As the family grew, we moved out with his younger brother and parents, who lived with us until his younger brother got married and moved to the US. Rajesh was the only person supporting the family with his small salary, but he never showed his struggle or complained about it. His positive nature made sure everyone was content, and he even helped pay for his brother's weddings.

In his job in Kenya, he was frequently hosting and entertaining suppliers visiting from other countries, and due to his friendly and warm nature, he would bring them home for dinner instead of taking them out at the Company's expense. He welcomed his guests into our home like family, at our own cost, and he didn't ever worry about that. This capacity to make friends with strangers and have a desire to make them feel like family is a skill that very few people have. Rajesh has always had a big heart, and that is one of the things I really admire about him.

Rajesh also gets convinced easily, whether we are at Costco and he buys something out of compassion for the person selling it, or even at a timeshare presentation many years ago, where he bought a vacation week thinking his brothers might be interested in using it. That didn't plan out like he had imagined, and we still continued paying for the timeshare membership and maintenance fee for several years before we gave it up. His naivete often comes out of his generous nature, and his brothers are just like him, all very supportive and giving.

His generosity extends to anyone less fortunate than him, whether it is the local homeless population that he supports through Shepherd's Table, orphanages and eye clinics in Kenya, a child in Africa whose education he sponsors through Uplift a Child International, and also children in India supported through the charity cricket tournament he participates in every year. He is very passionate about sports and games, and always gets excited to introduce his passion to kids. He coaches a local kids' cricket team, organizes the games for Burtonsville Day every year (since 1999), and he does all of

this on a voluntary basis, with an investment of his time, energy and finances into these activities.

As a father, Rajesh has been a great partner in making sacrifices for the benefit of our children and family. When we moved to the US, we had very little money, making ends meet on one salary for a family of 5. We survived on items bought at garage sales for a long time, counting each individual expense. Even at that time, my husband was thinking about how he could help others, whether it was a coworker or a stranger, or a friend. At each instance, he had no expectations for a return on his generosity, and we were content with what we had.

For his birthday, he always makes a donation instead of doing something for his own enjoyment. That always gives him more satisfaction than having a party or a nice meal out. When he was diagnosed with Tuberculosis in 2011, he worked remotely, not taking his sick days, as he needed to work while I was unemployed. No matter what difficulty came our way, my husband always found a way to make it work by living simply and within our means. To this day, he drives the oldest car, a used Toyota Avalon with more than 210,000 miles on it.

Additionally, my parents and siblings all admire and respect Rajesh just as his friends and family does. He is more than a son to my parents, who are old and failing in health now. My husband is also very supportive of my brother, and always manages to give them his best no matter what might be going on in his life. Our children have learned by his example, and have been raised with good morals.

I urge the Court for leniency in Rajesh Kothary's case, and thank you for taking the time to read my letter.

Sincerely,

Bhamini Kothary

May 4, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

My name is Bhavika Kothary and I work as a full-time Physician Assistant in hospital medicine.

Rajesh Kothary is my uncle (my dad's brother). We come from a very large family and have always been very close. We see each other on numerous occasions during the year and we are very grateful that we have all remained driving distance from each other.

From a very young age, the concept of family and togetherness has been instilled in me. Over the years I have to come to learn so much about each and every one of our family members. My uncle is one of the most caring and selfless people I know. He reminds me of my late grandma (his mother), who always loved to see our family doing things together. It brought her so much joy seeing that and my uncle is exactly this way. He used to, and continues to tell us cousins "we have a great family, as you all grow up and venture in your own directions, always keep in touch and continue to maintain this relationship that you have now." As I got older, I began to understand and appreciate this advice.

For as long as he can control it, my uncle will never miss a special occasion in our family. He will try to attend every major life event regardless of when and where. We enjoy his presence, he brings joy, laughter and even entertainment; he is one of the best singers in our family!

On a more serious note, I can never forget how much my uncle (and our whole family) was there for my mother, me, and my brother when my dad passed away in 2004. My dad battled cancer and needless to say, it was a long several months with tests, chemotherapy, doctor's visits, etc. My mother had her hands full and to take care of 2 kids at the same time was very difficult. My uncle was one of many people who helped us through that tough time for that, I will always be grateful.

Your Honor, I know my uncle is incapable of doing anything malicious or morally wrong. I strongly encourage you to be lenient in making your decision.

Sincerely,

Bhavika Kothary, PA-C

May 7, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

My name is Chirag Kothary and I am going into my senior year at the University of Maryland.

Rajesh Kothary is my uncle. We come from a large family and have been very close for as long as I can remember. This is due to our efforts as a family to attend the numerous family gatherings we have each year. I am originally from New Jersey and decided to come out of state for college to the University of Maryland so I have grown closer to Rajesh and his family over the past couple of years.

Some of the most significant values my family holds are togetherness, love, and loyalty. Rajesh embodies all of these values and truly is an example of what all the younger members of our family should strive to be. He is extremely hard working, selfless and caring and is willing to help anyone in need. Coming to an out of state college was a big deal in my family because I was the first one to do it. My mom constantly worried about me, especially during my first semester here. Although the university was about 40 minutes away from Rajesh's house, he always offered to come pick me up to grab lunch or come back to his house for dinner. No matter what time it was, I knew I could always call him if I wanted to come over for a home cooked meal or got a little homesick. When my semester ended, my mom was going to drive alone all the way to Maryland to pick me up; however, to make it easier for her, Rajesh offered to drive me half-way so she did not have to drive the full four hours. Rajesh is truly one of the most selfless and caring individuals I have had the pleasure of knowing for practically my entire life and he serves as a role model to the entire younger generation of our family. He brings joy, excitement and laughter to all our family gatherings and instills all the values that every family should hold. I will be forever grateful for everything he has done for my family and I. Furthermore, when I was about 10 years old my dad unfortunately passed away due to stomach cancer. It was an extremely tough period of time for my entire family. Rajesh, who is one of my dad's brothers, was one of the many people who made several trips down to New Jersey to help my mom with anything she needed. Whether it was taking care of my sister and I, taking us to the hospital to see our dad, or even just taking us out to eat, he was one of the people who was always there for us. Fifteen years later and Rajesh has not changed a bit. He continues to maintain his selfless nature and is always there for our entire family whenever we need it.

Your Honor, I know my uncle is an honest individual and is incapable of doing anything morally wrong. I encourage you to please be lenient in making your decision.

Sincerely,

Chirag Kothary

Dipak H Kothary
5 Mackenzie Lane
Plainsboro, NJ 08536

May 1st, 2018

The Honorable Leonie M Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

My name is Dipak Kothary and I am a business planning management professional working at a communications company for the 25+ years.

I am writing this character reference letter for my elder brother, Mr. Rajesh H. Kothary. I sincerely, never envisioned I would be writing this because in my eyes Rajesh has always demonstrated solid human character traits that have earned trust and respect from all people that know him and contributed to his strong personal relationships, personal and professional, lasting decades.

Relationships are very important for Rajesh. That comes from his earnest desire to respect all peoples, sense of loyalty to his family & friends and a responsibility to develop new and maintain existing relationships just as a norm of society.

One of the core values passed by our parents was to always maintain the strong family bond. In our family, Rajesh is always the impetus to getting entire family (30+ people) together for any occasion and arranges entertainment so all can have fun at the event. He has a great knack in organizing games or fun items that both the older and younger generation enjoy. We always look forward to his games because we know there will always be something creative, new and fresh (e.g. version of 'minute to win it' games, sack relay races, 'Family Jeopardy game', etc.). While organizing fun family events, he knows he has implicitly strengthened the family ties, especially in the younger generation. Both old and young in our family look to him for guidance and ideas for all family events

Apart from our family, Rajesh has been involved in numerous community activities. In Kenya he was instrumental in organizing a sports tournament that involved social communities from 3 cities & 2 countries (Kenya & Tanzania). The annual tournament encompassed various sports and was held in a different city each year so each city could get an opportunity to host and organize the event, Later, when Rajesh moved to USA, within a couple of years he was active in the Burtonsville community volunteering in their annual township fair and other township events, when possible. That was amazing because in a couple of years he was actively involved in community activities

in his new home town. Additionally, he has also been volunteering his time at a coaching clinic teaching cricket, a game he is very passionate about, to young children in America.

In his early twenties, Rajesh was selected captain of a cricket club team. As captain he not only provided coaching to younger players but also provided opportunity for them to play “friendly practice” games against other teams. I, as a teenager, had the opportunity to play under his leadership and observed his leadership and team building skills. As any leader in sports he was interested in winning but in every game he always emphasized the need to play fair, win or lose, as a team, demonstrate solid sportsmanlike conduct on and off the field and have fun. Over time he earned the respect not only of all his team but also earned respect from other teams’ players.

When Rajesh was in high school in Kenya, I remember a situation where he lent his good friend a small amount of money he needed for education (fees, books, supplies) and trusted his friend to repay him. Rajesh lent his friend monies from his own wages that he had earned during his school holidays working at a cheese-making factory. Rajesh sincerely believes in helping people in need and his giving nature has continued over the years where he has generously donated time and money to various causes in US & abroad. Whenever he goes on vacations abroad, where possible, he tries to visit elementary schools and donate supplies.

I hold Rajesh in very high regard and I wish I could do half of what he does. In all his actions and interactions, I have always observed him operate with integrity & honesty, respect all people and relationships, always be positive and exhibit a sense of responsibility to help people in need. I wish you could see him in action everyday and you would understand these qualities are part of his “core DNA” and come naturally to him.

Thank you, Your Honor, for reading and taking into consideration my sample of experiences and observations of Rajesh’s character over last 50 years and ask for your leniency when sentencing.

Sincerely,
Dipak H Kothary

Heena Kothary
5 Mackenzie Lane
Plainsboro, NJ 08536

May 20th, 2018

The Honorable Leonie M Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

Rajesh Kothary is my husband's older brother who I have known for the last 25 years. The first time that I met Rajesh was when I went to visit my husband's family in Kenya. Rajesh had come to receive me from the airport and instantly made me feel welcome to the family. He was very hospitable and friendly, and made me feel like we had known each other for a long time.

I will never forget the time when Rajesh's empathy was very comforting, which is when my husband was having a surgery a few years ago and it was a stressful period for the whole family. Rajesh consoled me by saying, "Bad things don't happen to good people" and reminded me to have faith that things would get better. His support helped me to overcome fears during this difficult time and focus on having a positive mindset.

Rajesh encourages others to pursue their goals, whether they be in academics, athletics or a hobby. His love for the whole family is immense, and shows through his eagerness to organize activities for the family at any opportunity, be it a vacation or an evening to just chat away and play family games. His loving and caring nature is shown not only to his family, but is extended to his friends.

Thank you for taking the time to read this letter and I ask for your leniency when sentencing Rajesh Kothary.

Heena Kothary

May 16, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

I am Rajesh Kothary's eldest daughter, Jilna. I currently work at Shepherd's Table, a non-profit organization that provides meals, clothing and social services for people experiencing homelessness in our region. It is a job that is very satisfying, as we save and change lives daily. I pursued a career in the nonprofit space after some encouragement from my parents, who taught me not to worry about salary first and foremost, but find something that makes me happy. I live in their home, out of my own personal choice, and it is a privilege to be able to have a positive relationship with my parents and spend time with them.

My father is easily one of the greatest people I know, and an incredible role model. He loves his (extended) family and friends, and is the glue that keeps us all together. He is always ready to help someone, and he gets it from his mother, who was the same way--very warm, caring, and selfless. When I have previously mentioned a friend looking for a job, he starts thinking about who he knows that may be able to help, or when his friend's daughter was planning her wedding, he canceled his plans for the weekend and took a road trip to help them plan her wedding. It doesn't matter how small, big, or unreasonable the ask, if someone needs help, my dad will show up, every single time. Many times, I disagree with his default to be so giving all the time, but that's just who he is, and it brings him great joy to be of service to someone else.

When we moved to the US in 1998, my father had to start his career from the bottom again, but he didn't complain. As a 13-yr old, I never once felt that my dad was unhappy about shifting his entire personal and professional life to move to the US for the sake of his children's future. He worked hard, and instilled that same work ethic in us. He worked full time and also drove us to/from practices, dance classes, and tournaments, while adjusting in a country that can be difficult for immigrants. Unlike many of my peers, I had the freedom to choose whatever college and major I wanted, taking on loans to pursue my dreams, and having the flexibility to move back home to save money and pay back my loans after college. Some people find it strange that my siblings and I all still stay at home, but I attribute this relationship to my father and his acceptance of all his children, just the way they are.

My father and I share a special bond, as I was his first child, and also the one that took an interest in learning from him. We are both movie buffs, and to this day, Friday evening is our movie night. My dad gets sad when I make plans on a Friday night, so I try to save this night for him whenever possible. Additionally, my dad is very handy around the house, and over the years, I have learned so much from him. Often, when I fix something, and people are surprised

to learn that I fixed it (as a girl), I know that it's my dad's teachings that are helping me.

One of the other standout qualities of my dad is his love of children. As none of us have kids yet, my dad treats my cousin's kids as his grandchildren, and he never goes to visit them empty-handed. He gets so much joy from giving them a little toy or chocolate, and now all the kids have come to expect that from my dad every time he visits, or every time they come over to our house. It is a characteristic that my sister has also adopted, and it is a wonderful and thoughtful way to be. His selfless nature and desire to make others happy is truly apparent in the way he interacts with anyone, whether it is a stranger in a grocery store or a family member.

Back in 2004, when my dad lost his brother to cancer, he went out of his way to comfort my aunt and help her out as much as possible. He would check in on her regularly, and helped her get back on her feet and manage life for the sake of her children. My aunt remained a part of our family even after she remarried, and that is thanks to the acceptance that my dad and his brothers shared in welcoming her new husband into the family. That is the spirit of this family, that I have come to appreciate more as an adult--one of acceptance, endless support, and kindness.

When my siblings and I were planning my dad's surprise 60th birthday in Mexico, we were floored by how quickly everyone RSVP'd and agreed to spend \$1K per person for a trip in his honor. Those who could not make it were prompt with sending videos wishing him a happy birthday. It was such a beautiful testament to how much the extended family and his friends value his friendship, and everyone was willing to go above and beyond to make sure his birthday went really well. When we received news that he couldn't leave the Country, we were all so upset, but my dad handled it with such grace, wishing for the trip to go on as planned, and for everyone to have a good time. That's just who my dad is, always thinking about others before himself.

My fiancé, who has a strong though complicated relationship with his parents, was initially quite surprised with how open my siblings and I are with our parents. Nobody hides anything, or feels the need to be overly cautious in my house. My dad welcomed my fiancé with an open heart, taking the time to get to know him, even though my fiancé was shy and didn't open up in the beginning. He became a part of the family very quickly, and is more open around my family than his own. That's my dad's influence, being so welcoming and accepting.

I ask you, Honorable Judge Brinkema, for leniency in this case.

Sincerely,
Jilna Kothary

May 10, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

My name is Kaushik Kothary and I am the second born in our family of seven siblings. I recently retired from my job at Visionet Systems, where I served as the Controller of the company. While we were in Kenya, I sponsored Rajesh for further studies in United Kingdom since he was very clever. He graduated with an Electrical Engineering degree and came back to Kenya where he was employed in a government job in the Telecommunication department. He then progressed to become a managing director for a German company supplying equipment to the Government and private sector. We have lived together for over 40 years in Kenya before we moved to the USA in 1998. He settled down in Maryland with his family while I moved to New Jersey but we meet regularly.

Rajesh is a law abiding citizen, loving, sporty person and makes friends very quickly and he trusts all who come in contact with him. He loves kids a lot and becomes their pal very quickly. My kids have played with him since birth and he used to drop them to school every morning. He was a cricket captain for our team, organized a big sports festival in our community and plays other sports. Since moving to USA, he is continuing his passion for sports by training younger kids and players to play cricket in Maryland.

Rajesh loved our mother very much. She stayed at his place in her old age and his family treated her very well and would take her out on trips even though she had lost her eyesight. His house was her favorite place to stay until she passed away. Our dad had passed away before we came to USA.

Recently Rajesh had banged into a car while reversing from a driveway and after checking he informed the neighbors that one of their cars was struck by him and needs repairs. They were very pleased with his concern and honesty.

Rajesh is strong person and loves to make friends with everyone and makes it a point to attend all function of the family and friends without any hesitation. He looks very well after his in-laws who came to visit them from Kenya.

I beg and request that you give him a lenient sentence so that he can look after his young family.

Thank you for your time in reading my letter.

Sincerely,

Kaushik Kothary

March 13, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

My name is Kavita Kothary, and I am Rajesh Kothary's son. I'm currently a Field Access Specialist with Xcenda Consulting Services.

My father and I have a strong relationship—he is a loving father, best friend, life mentor, and someone that I can confide in without hesitation. His continuous love and support for our family is what makes him the absolutely best.

He is a man of principles, faith, integrity, and the most loyal person I have ever met in my life. He never sees bad in people and extends his heart to those in need without hesitation. He continues to be a very important role model in my life and always takes a proactive measure in guiding me on how to prepare for the real world. Like other families, we too have faced many hard times. During those tough times, my dad has done such an excellent job of assuring us that everything will turn out fine. There have been countless situations where my dad has continued to be my biggest fan when I failed at things. His passion for planning family events has played a huge role in keeping our families close. It's because of him that I've learned the importance of being family-oriented. He always strives to make any guests that come to our house welcome and brings so much energy wherever he is present.

I pray that my dad can continue to be there next to me as I continue to mature as an adult and start a family one day. I ask the Court for leniency for my father, my best friend and greatest role model.

Sincerely,

Kavita Kothary

May 15th, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

As an introduction, my name is Kush Kothary and I am currently an Investment Professional at BlackRock, an asset management firm headquartered in New York City. I have been with BlackRock for approximately six years, and am actively involved in the development and mentorship of young professionals who join the firm directly after graduating college. Additionally, I have participated in various programs over the years which provide counsel to low-income entrepreneurs who operate businesses in under-resourced areas and have limited formal business education and / or training.

I have known Rajesh Kothary (and his immediate family) for as far back as my memory can recall; my father, Kaushik Kothary, is Rajesh's older brother. To further contextualize the length and depth of my relationship with Rajesh Kothary, I was surrounded by Rajesh on a *daily* basis for the first eight years of my life. Our close family interactions and physical proximity led Rajesh to be a father-like figure in the early part of my life. After moving to different states in America, I have been fortunate enough to stay close to Rajesh through numerous annual family events and via messages and phone calls.

For as long as I have known Rajesh, he has been a culture carrier for our core family values: honesty, compassion, and giving back to the community. I can vividly remember receiving my first job offer in the financial services industry and Rajesh's advice was slightly different than the advice of others; he advised me to always remember my roots, and to make sure I was 'giving back' where I could. While there are many different factors which can play into one's decision making, I am certain Rajesh's influence on my life has been one of the main reasons why I have been, and will continue to be, involved in mentoring young professionals and volunteering my time to under-resourced entrepreneurs who are trying to make a positive impact on society. It truly is astonishing the way in which Rajesh continues to selflessly give back to his community, as evidenced by his latest contribution – volunteering to be a cricket coach for younger kids in his community, a demanding task both mentally and physically. Lastly, Rajesh continues to be an important figure and representative of our family; I cannot remember a family event which did not have Rajesh's finger prints all over it. Rajesh's excitement to get the family together is tangible and contagious; he goes above and beyond to make sure everyone is comfortable and spends countless hours planning activities and games to get everyone involved. He is genuinely interested in getting to know, and staying in touch, with each and every member of the family. Rajesh is one of the main reasons that our entire family is incredibly tight-knit, and will continue to be for generations to come.

As you arrive at a sentencing for Rajesh, please keep in mind his positive, and significant, impact on our entire family (including the younger generation) and the community at large. I am hopeful you can provide Rajesh with a lenient sentence. If you have any further questions, or want more information, please let me know. I appreciate your time.

Sincerely,

Kush Kothary

April 24, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

My name is Mahendra Harkishor Kothary, and I am a retired Public Health Service Officer (CAPT USPHS). I was stationed at the US Food and Drug Administration and retired after 29 years of service. I have lived in Burtonsville, Maryland for the past 31 years, and I am a member of a local religious organization called the Jain Society of Metropolitan Washington. In the past, I have been a member of the American Society of Microbiology, the Commissioned Officers Association of the USPHS, and the Reserve Officers Association.

Rajesh Harkishor Kothary is my younger brother, and I have known him since he was born and we grew up together in the same household. About 20 years ago, Rajesh (Raj) together with his family decided to join me in the USA. Since immigrating, he has resided in Burtonsville, Maryland.

Ever since we were children, I have watched Raj grow up to be a very fine human being. He excelled during his schooling and undergraduate studies in Kenya and Scotland, respectively. Throughout his life, he has followed the major principles of our religion (Jainism) which include truth, non-violence and non-stealing. He is genuinely honest, sincere and treats everyone with great respect and trusts them completely. All these qualities have resulted in him having a large number of friends throughout the world. I have been amazed at the speed with which he settled down into his new adopted country within a relatively short time.

Since his graduation with a degree in Engineering from Scotland, Raj has been employed as an Engineer in Kenya and in the USA. His employers have always held him in great esteem and have found him to be a very dependable team player. His ability to work with others within the company and with the clients makes him a very valuable asset. Amongst his employers, he has been known to be a sincere, hardworking and trustworthy individual who is always ready to help his co-workers. During the last 20 years, I have gained more insight into his work ethics and his generosity. He has repeatedly told me that he gave cash to some of his co-workers who were in need of money. In addition, one day, he told me that one of his co-workers was ill with a

failing kidney. Raj was willing to donate one of his kidneys. However, I advised him to check with his physician and family to make sure that they were in agreement with his wishes.

Raj is extremely generous and always willing to donate cash and his services to various local and international organizations. Various charitable organizations such as those providing eye surgery to the poor, food and shelter to the homeless, schooling to rural areas in developing countries, etc. have been recipients of his generosity. As a follower of Jainism, he attends the temple of the Jain Society of Metropolitan Washington and donates money to its various causes. Since the last 20 years, he has volunteered as a member of a committee which plans and holds a "Burtonsville Day" celebration annually in Maryland. In addition, he regularly volunteers his time in teaching the game of cricket to young students in Maryland, and coaches an elementary/middle school cricket team.

I have known Raj for a very long time, and find him to be a modest, compassionate and caring person who is always ready to help others. He took great care of both our parents in Kenya, and then our mother who was almost blind from retinitis pigmentosa and needed constant supervision in Kenya and USA. Raj that I know is incapable of doing anything wrong and therefore, I humbly request the court to show leniency to him.

Sincerely,

Mahendra H. Kothary, Ph.D.
CAPT USPHS (Retired)

May 20, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

My name is Namita Kothary and I am writing this letter to request leniency in Rajesh Kothary's case. I am a pharmacist employed at the US Food and Drug Administration; specifically, I work to ensure the regulated industry complies with the laws and regulations related to drug safety.

I have known Rajesh Kaka (kaka = father's brother) as far back as I can remember. Growing up, we kept in touch with him and our other family in Kenya via letters and phone calls. When Rajesh Kaka's family moved to the USA about 20 years ago, they initially lived with us, then moved less than a mile away. We have been in very close contact ever since- doing activities together; going to events; celebrating birthdays, anniversaries, and holidays; and having regular lunches/dinners at each other's houses.

I'm lucky to have a family that is incredibly close. My father is the oldest of seven (6 brothers, 1 sister), and each of the siblings has 2-3 kids (our generation is 16 cousins). Over the years, my friends have commented numerous times at how much our family does together and how much we actually enjoy each other's company, despite the fact that we all do not live in the same state, or even the same country. I attribute a lot of this to the tight bond the siblings share. Family is one of the most important things to Rajesh Kaka and it's very apparent. He makes an incredible effort to remember everyone's major life events and make them as special as possible. For example, he sends messages singing birthday wishes to us. I recently got engaged, and when my fiancé and I told Rajesh Kaka, he was as excited as my parents. He immediately invited us over for a meal to celebrate. He looks forward to spending time with us and includes us in anything he is doing.

Rajesh Kaka organizes and plans fun ways to make sure our generation is just as close as theirs. Every year our family gets together for Diwali (our New Year). Over the years, Rajesh Kaka has planned games, skits, food, and other activities as a fun way for the whole family to bond, to experience our cultural heritage and traditions, and to learn the stories of our ancestors' lives. For example, one year when his family hosted Diwali, they made it a costume party where we were all supposed to come dressed as something related to Diwali. He also planned games taking into consideration the different talents in our family (music, charades, karaoke, Jenga, crafts, etc.). In past years, Rajesh Kaka also organized summer vacation trips to Virginia Beach and Rehoboth/ Bethany beach for whoever in the family was interested. Rajesh Kaka makes the effort to incorporate family building activities into every event. As a result, some of my closest friends are my cousins, despite the fact that I am much older than many of them.

Rajesh Kaka also spends the time and energy to get to know people. He is so friendly and can talk to anyone. For example, I've brought friends around and they've commented that they feel like they know him after just one evening. In another example, Rajesh Kaka knows how much I enjoy food and cooking. He often comes back from the grocery store or vacation with some unusual food and is bursting with excitement to share it. When I visit their house, I will barely have taken my shoes off before he has disappeared into the kitchen to bring something new for me to try (and take!). When my parents or I go out of town, he restocks our fridge with groceries so we don't have to go right away. Last year, there was a music concert for a singer I love and Rajesh Kaka got tickets for me to go. These are just a few examples of how thoughtful and giving he is.

Rajesh Kaka embraces and contributes to every community he belongs to. He is free with donating his time, money, and talents to everyone. For example, since moving to Burtonsville, he has been heavily involved in coordinating Burtonsville Day, an annual celebration for the town. Two of his passions are cricket (playing and watching) and spending time with children. A few years ago, he combined both of these and started coaching a children's cricket team. This is a significant time commitment, and he does it happily while still balancing all the regular demands of work, family, friends, and social obligations.

Rajesh Kaka is also very reliable and willing to help wherever he may be needed. When I was planning my sister's wedding a few years ago, we relied heavily on him to help us plan some of the events. He was so dedicated and thorough- everything was done on time and properly and the guests had a great time. About five years ago, my father was diagnosed with stomach cancer and have to have his whole stomach removed. Rajesh Kaka was a rock for me during that time, helping wherever he saw something needed to be done and providing emotional support for the family. In these big events, as well as in smaller daily things like being picked up or dropped off to the airport, Rajesh Kaka follows through in getting things done, and he does it with a smile, a joke, a song.

Rajesh Kaka is one of those people who gives of himself freely and willingly; cares deeply about family, friends, and even strangers; and keeps a positive outlook and our spirits up, even when things are rough. He is honestly one of the most genuine and caring people I know, and I'm lucky to have an uncle like him.

Thank you for taking the time to read these few examples highlighting Rajesh Kaka's personality and character. I am grateful for any consideration you may give to my request for leniency for Rajesh Kothary.

Sincerely,
Namita Kothary

May 7th, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

My name is Neera Kothary and I am Rajesh Kothary's sister-in-law. I currently work at a Public Library as a Circulation Manager.

After I got married to Rajesh's younger brother Nilesh Kothary, I moved in with Rajesh and family for almost 3 years. Rajesh has been the most amazing brother in law. He has been more of an elder brother to me than a brother-in-law. While living with Rajesh for three years I learnt a lot from him. He has been nothing but a person who has constantly helped others. For instance, while staying with his family I did not have a car to go about my daily routine. However, without any hesitation he loaned me his car and furthermore did not allow me to pay for gas or maintenance on the car, neither did I have to pay him for any house related expenses.

Rajesh also taught the young and old how to get involved in community events and sports. He guided a lot of people with sports events back in Kenya and he has continued that over here too. He was always known as a Sports Coach in the Community.

When I stayed with Rajesh I learnt what it meant to respect everyone and he always told me to be truthful. He has respected each and every person from the youngest to the eldest. He has been a role model for me and the entire family. Watching all these qualities taught me the value of life and when I moved to the USA and started my own family, I have tried my best to bring those qualities in my children.

I cannot see Rajesh trying to do anything wrong or trying to hurt anyone. He is truly a wonderful person with a very good soul. I see him as an honest and dear brother and would not like to see him suffer ever in his life. He has done nothing but good to others and I would humbly request nothing but for you to take into consideration Rajesh's qualities in this case.

Sincerely,

Neera Kothary

April 25, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

My name is Nilesh H. Kothary, younger brother of Rajesh H. Kothary. I currently work as an Internal Auditor in a private corporation in New Jersey. I am a member of various professional organizations and hold the following certifications: Certified Public Accountant (CPA); Certified Internal Auditor (CIA); and Certified Information Systems Auditor (CISA).

I am one of seven children that were raised by parents who were simple minded and religious. They always taught us the importance of certain virtues of life: **helping people** in need, **respect of elders**, being **honest and truthful**, **not to steal**, and to **work hard** to earn a living. Though we would not consider ourselves as rich when growing up, nonetheless, we all had a very happy childhood and never felt we lacked anything in life. We had all the love and support in the family which enabled all of us to be successful in our lives. We are also the envy of many people in our community mainly for how we carry ourselves (honesty, simplicity, respectful, etc.) despite the levels of education and success each member has attained.

When it comes to Rajesh, I have always looked up to him as a **role model** because of the following qualities he possesses that I have always come to admire and emulate:

- ☐ **Helps Others in Need** - When friends or family are going through a difficult time, Rajesh has always been there and will go to great lengths to help them, even sometimes at his own personal detriment. I remember when my wife had a major heart surgery a few years ago, he and his family willingly provided home care for more than a week despite having three of his own children to support at home. Rajesh has also travelled, at moment's notice, to different states and countries to attend funeral services for friends or family that have lost their loved ones. He represents the entire family on such occasions.
- ☐ **Family Man**- Rajesh has always cared about the well-being of the extended family which now comprises of more than thirty members. He goes out of his way to organize family events so everyone can participate and enjoy in the fun as a family. Also, when I ran my first marathon he made sure he was there to support me all the way and rewarded me with a big trophy at the finish line. I have since then completed ten more marathons partly due to constant encouragement and support from Rajesh. Rajesh has been very instrumental in ensuring family cohesion.
- ☐ **Well Respected in Community and Friends**- Rajesh is very well respected by his peers, friends, and members of the community. He is a very caring person, helps others in need, and cares about the community. He used to organize various community sporting

events that included participants from several countries. This required a lot of work and dedication which he executed exceptionally, and all based on **pure volunteer basis**. I was fortunate to be part of one of these events and was in awe at what he had accomplished.

- ☐ **Simplicity and Modesty**- Rajesh is well educated and yet he lives a very simple life. He does not believe in living a life full of material possessions which is something that was ingrained in us by our late parents. He cares more about people and relationships than money and material possessions. And much of this also comes from his strong religious beliefs. I have never seen him wearing any expensive clothing, driving expensive cars, or taking expensive vacations. His children have also followed in the same path.
- ☐ **Cares for Youth**- Rajesh deeply cares about young children. He has always been a mentor to young kids, whether it teaching them the finer points of the game of cricket or teaching them the principles of living a righteous life. All the young kids in the family love him dearly and sometimes more than their parents!
- ☐ **Trustworthy**- you can always count on Rajesh to keep his commitments. He has never let us down when he promises to organize family events or to attend family functions.

I kindly request you to take into account Rajesh's background and his personal traits when you sentence him.

Sincerely,
Nilesh Kothary

05/15/2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

By way of introduction, my name is Nishil Kothary; I am a 23-year old living in New York City, working as a Risk Analyst at Citigroup. I am Rajesh Kothary's 23-year-old nephew and have known him and his family for my entire life.

I like to consider myself a privileged child who has had the luxury to grow up in a loving, caring and kind family. Rajesh Uncle, or "Kaka" as I call him, has been a big part of that family for my entire life. Growing up in such a loving and tightly-knit family has subconsciously built me into a man who I would like to consider has good morals and values. This is partly due to some of the role models I have had throughout my childhood. I can say without a doubt that Rajesh Kaka has been one of those critical role models that has had a lasting impact on me.

Growing up as a kid, I took Rajesh Kaka's personality for granted. His constant care for people, especially the children, was something I assumed everyone possessed. I can still recall the time I was not able to make it to a family gathering and he called me endlessly to try to convince me to come. At the time, I wondered why he was so keen on my presence. After all, at least thirty other family members would arrive, and amongst them, my absence would barely be noticed. Only later did it occur to me that deep down in his heart, everyone really did matter to him. As I grew older, I noticed this behavior more and more from him. He would attend not only his own kids' events, but also every one of his nephew's and niece's graduations, dance performances, and recitals. Most importantly, he would arrive with a joyous and supportive smile, almost as if he was happier than you were for your own accomplishment. His smile and tears of joy when he is proud of your accomplishment is something that sticks with you for life.

I have grown up and seen endless amounts of people behave or act in a certain way to fit a specific image. Seeing this, I realized the true value of actions that arise from someone caring from their heart. In a time where we are all trying to appear as someone else, there is something amazing to me about a pure, kind, and most importantly, genuine soul to whom other people matter. Whether it be his family, his cricket students, his neighbors, or his co-workers, I have full confidence that many would describe Rajesh Kaka in this manner. His behavior has made me question every selfish decision I have made. I look at him in awe and wonder why my behavior is so self-driven but his is completely the opposite. Without lecturing me once, he has led by example and improved my behavior as a man. As I have grown up, I have taken a keen interest in the people around me and tried to love others more than I do myself. For this, I have no one else to thank but Rajesh Kaka. Though I have never expressed my gratitude to him in person, in my mind and heart I know he is responsible for instilling this in me.

As I have grown older I have learned it is not solely our actions that define who we are. What is more important is the intentions behind our actions and the character we hold ourselves accountable to each and every day. When I think of Rajesh Kaka, I think very highly of him. I know this is because I envy the character in which he leads his life. As he sits in the courtroom today, I know my opinion will not

change of him. I can say this because I know no matter where he is and what he is doing, he is a good man with a good heart and in a complex world, something as simple as that is not always easy to find.

Your honorable judge, when ruling on Rajesh Kothary I ask you to take leniency. He is a genuine man who unknowingly serves as a role model to many. He is a role model to me and is the type of person I want to become, as I grow older. He has lived his life with the utmost respect for people and shown endless love to those around him regardless of age, size, race, or gender. I respectfully ask you to not only look at the charges and claims that are on a piece of paper in front of you, but to also to look at the character behind that man for whom the charges are against.

Thank you for your time,
-Nishil Kothary

May 12, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

I am Panna Kothary (Mehta) working as an Accounts Receivable Specialist at Visionet Systems, and sister in-law to Rajesh. I met Rajesh when I got married in 1983 and we were all living together in Nairobi, Kenya.

We lived together for over 16 years in Kenya before I moved to the USA in 1998 and I know him for over 35 years now. All my children love him a lot and look to him for advice as he has children in the same age group.

Rajesh is a caring person who loves to play and organize games and outings for the whole family and friends. Rajesh looked after my kids when I went out of town to visit my family in India and he would also take them with him on trips to other towns or places without any hesitation. One memory I specifically recall took place after his wedding when we went for a walk in the Nairobi City Park. We were robbed of our cash, jewelry, and watches but Rajesh kept calm and let the robbers take whatever we had as he did not want them to harm the ladies in the group.

I beg that you give him a lenient sentence so that he can look after his family and continue with the good work he does with the sports and community activities he's involved with in Maryland.

Sincerely,

Panna Kothary

May 11, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

My name is Sejal Kothary and I work as an International Tax Manager for a multinational corporation in New York.

I have known my uncle, Rajesh Kothary, since I was born. I grew up in a joint family home with him and we developed a close, special bond. I consider him to be a second father as he always treats me like his own daughter and has been there for me throughout my life. As a child, he was the uncle that I would run to "rescue" me from my parents when they were being strict. However, at the same time he would convince me, while putting a smile on my face, to do what my parents asked. To this day, he shares the same love and compassion with me as he did when I was a child. In fact, he has built that same bond with my two-year old daughter. When I see him put a smile on my daughter's face and my daughter asks for Rajesh "kaka" (uncle), I experience a feeling of nostalgia as it takes me back to my childhood memories growing up with him. Uncle Rajesh has shown the same level of affection to all his nieces and nephews and for this we consider him to be one of the pillars to the foundation of our family.

In addition to Uncle Rajesh's care for family, he is very dedicated and passionate about giving back to his community. As an example, he has led and organized multiple visits to volunteer at local food banks with our entire family. He has been a powerful role model for our family through his charitableness and self-less character. I am proud of him and consider myself lucky to have such a great individual in my life.

I express my deepest gratitude and appreciation for taking the time to read my letter. Please consider leniency in your sentencing of Rajesh Kothary.

Sincerely,



Sejal Kothary

April 24, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

My name is Shaileshi Kothary. I am Rajesh (Raj) Kothary's eldest brother, Mahendra's wife. I am a Medical Technologist since 1974. I graduated from University of Mumbai, India and completed my Medical Technology degree MT. ASCP, from St Francis Medical Center, Trenton, NJ. Currently, I am retired.

I have known Raj since 1977, when his brother (Mahendra) and I got married. He immigrated to USA in 1998. He, his wife and 3 children stayed with us for several months. They purchased a modest home near us in Burtonsville, MD, where they are currently residing. Our family consists of 6 brothers in USA and 1 sister in London, UK. Along with their spouses, children and grandchildren we are a total of 37 members. We are an extremely close-knit family. We get together several times a year, mainly for our Diwali festival, either Thanksgiving or Christmas and during some special occasions (e.g. birthday, wedding, baby birth, baby or wedding showers etc.). We use these opportunities to enjoy each other's company, play games and relish food! At these family gatherings Raj has been the key person to organize "event-appropriate games". He spends numerous hours for this and makes sure that it is memorable and full of fun! I feel that because of these gatherings, values and culture have been instilled in our children and grandchildren.

When he moved to USA from Nairobi, Kenya, he missed his job and friends tremendously. He sacrificed his lifestyle, so that his 3 children would receive a good education and better opportunities, Raj's nature is such that he loves and trusts people. Honestly, I have still to hear him speak badly about anyone. He has the tendency to give people a benefit of doubt and always looks at their good side first. Since I have known Raj, I know that he has always been a very caring, giving, trust-worthy, warm-hearted, honest, genuine, fun-loving, and a family oriented person. He loves children.

When I think of his nature, an incidence comes to my mind. Several years ago, his co-worker was in need of a kidney transplant. Raj was immediately ready to donate one of his kidneys -this was not even a family member or close friend! His mother was suffering from many health issues and at the age 65 one of her kidneys was non-functional and the other was only 85 percent functional. So, he had observed what she was going through. He knew that medically and under normal circumstances a human being could survive with just one functioning kidney. That was one of the reasons for his eagerness to donate. Unfortunately, due to certain circumstances he was unable to do so. He has taken so much care of his ailing mother who had multiple diseases, but what needed constant care was her partial blindness caused by

“retinitis pigmentosa”. Whenever needed, he was her "eyes" and was there for her. I know for a fact, that he would “give his life” especially for his family and friends.

Since about 20 years, Raj has been an active committee member for an annual “Burtonsville Day” event, where he volunteers by mainly organizing sports activities. He coaches elementary and middle school students in the game of cricket. He donates generously at our Jain Temple (Jain Society of Metropolitan Washington DC), at Shepherds Table, where his daughter works and many other needy associations in USA and abroad.

With regards to his health, 3 of his brothers and Raj have been tested positive for a mutated gene for stomach cancer. His younger brother was diagnosed with stomach cancer and passed away in 2004. In 2014, my husband (who was asymptomatic) and also Raj's youngest brother had complete Gastrectomy performed and are currently cancer-free. I know that it is not scientifically proven, but I personally believe that stress, diet etc. does increase the chances of cancer. With him already having the mutated gene, I am so worried that it may trigger the disease. He needs to be tested regularly by having an endoscopic procedure and further tests, as warranted.

He is a “people-person” who does not like to be alone. He loves to watch sports, movies, TV, enjoys vegetarian food, visiting places and getting together with others. I am honestly very concerned about the mental and physical effects Raj is currently undergoing. Each and every family member has been greatly affected by this.

I pray that Raj has the strength and faith to withstand this ordeal. I humbly request leniency towards him.

Thank you,

Shaileshi Kothary

May 20th, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

My name is Sheena Kothary and I am a student at The College of New Jersey. I have known Rajesh Kothary my entire life as he is my paternal uncle. As cliché as it may sound, Rajesh presents an endless amount of positive qualities, however I would like to highlight just a few which have played a huge part in my life.

One of the most important qualities which I would like to share is his constant support. He is always the first person to commend another for their great achievements and, on the other hand, be there during the worst of times. I have numerous amounts of hobbies, dancing being the dearest, which I constantly share with others, especially my family. I have had many dance competitions and shows in the past and currently. More than anything else, I always wish for my family members to be present at my shows for support and besides my parents, Rajesh is one who has been there for me the most. In addition, if he is not there physically, he is always the first person to call or message me saying how proud he is of me. His well wishes are something I *always* take personally. His wishes make me inspired and motivated to keep going further and do more to make my family proud. In 2016 I teamed up with a few friends at college to start a nonprofit dance competition, which took place in 2017, where all the proceeds would go to a charity called Operation Shanti. Not only did he contribute to this charity but also Rajesh's words describing how proud he was of me made me want to do more community service and hard work. The following year I began the planning process once again and put far more efforts in fundraising not only for the show but because I knew it would put a great smile on his face. He loves to see people succeed and follow their dreams. He has an ability to make others motivated to achieve their dreams due to his immense support and encouragement.

Additionally, I would like to highlight that Rajesh is a true "family guy". Our entire family is an extremely close pact which no one can break. Our family gatherings go on until the sun comes up because we simply enjoy the time we spend together. When my paternal grandmother passed away, our family was shattered and very lost. Rajesh was the strength everyone needed during this hard time. Although he was just as shattered, if not more, he made sure all of us started to smile again and be the joyful family we always were. By doing this, he also made sure that our grandmothers legacy always stayed alive at our family gatherings. Our family always has a major gathering for *Diwali*, a Hindu festival which celebrates the new year. Ever since I was around six years old or so, Rajesh started a tradition on our family where every

year during our Diwali gatherings, all the children of the family would do something that exemplifies the importance of family, which would vary year by year. For example, I remember one year we had to write a poem on what family means to us. After my grandmother passed away, the entire family had to make separate videos which would act as a tribute to my grandmother. Although we all are very family-oriented, Rajesh stands out with his extreme efforts to always keep our family smiling and glued together.

Overall, Rajesh is someone who I, along with many others, is very close to. He has a pure heart and is filled with love. I kindly ask for leniency for my uncle. He is an honest man whom I love very much and has had a positive impact in my life. Finally, I would like to truly thank you for taking the time to read my letter.

Sincerely,

Sheena Kothary

04/15/18

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

My name is Rajashree Kothary, working at HGS as a Medical Biller. I live in New Jersey since 1993, married to Pankaj Kothary who passed away in 2004. I have two kids, Bhavika and Chirag. Later, remarried to Vinay Chetnani.

My relationship with Kothary Family is very close and personal, I have known Rajesh Kothary since the year 1990; I got married to his younger brother Pankaj Kothary. We lived with him and his family in Nairobi, Kenya.

He is a very compassionate, generous, kind man, always very helpful in times of crises. I have gone through a very emotional time in my life when my late husband was diagnosed with cancer. I cannot say enough that Rajesh K. has been on our side throughout the treatment. He lives in Maryland but called over the phone and visited him frequently in New Jersey.

Rajesh Kothary is a good man and believes the best in people. This unfortunately has caused him a great deal of pain and it changed his life.

I would request you to be lenient with the decision on his case.

Sincerely,

Rajashree Kothary.

Yashna Kothary
5 Mackenzie Lane
Plainsboro, NJ 08536

Monday, May 21 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

My name is Yashna Kothary and I am currently a student at Rutgers University. Rajesh Kothary is my father's brother and I have known him for 22 years.

Rajesh Kothary has unique characteristics that make him an important role model for his family and friends. He values developing strong relationships, helps others with their personal problems and is empathetic towards friends and family.

Rajesh values relationships and that is evident through his love for organizing family events. He enjoys seeing all the generations within our family bond through different activities. His face lights up when he sees us talking and playing games late into the night or sharing a laugh with each other. The importance of strengthening family ties is a lesson that he learned from his mother, who was able to bring the whole family together, young and old. He has been instrumental in enhancing relationships, showing us that we can build strong foundations to support each other and thus solve problems together.

One of the hardships that my family endured was when Rajesh's younger brother passed away. After he died, our entire family was in shock, and the support structure that Rajesh had built was integral in the process of overcoming this loss. We were unsure how to recover from this loss, yet Rajesh encouraged us to find hope in the future and strength in each other in order to move forward as a family. His ability to help us maintain a positive outlook during this difficult period is a quality that I admire about him. I remember feeling uplifted during his speech, especially when he mentioned how he envisions the solidarity of the family. He said, "Us five remaining brothers must stand together, strong as a fist," calling on his brothers to lead the family by example through this difficult time. He understood the importance of leadership and teamwork at that time in his life and has continued to be an example of a resilient and optimistic leader to this present day.

One of the most admirable traits that Rajesh has is his ability to see the best in people. He has a big heart and believes that the majority of people are good-natured. He invests his time in encouraging others to be the best person they can be and realize their full potential. Two years ago, Rajesh saw the value of my work during my internship, whereas most people merely saw it

as a hobby to pass time. Due to his motivation to pursue my passion, I have been able to find experiences that make me happy and determine a career for myself. Rajesh is optimistic and chooses to see the best side of humanity, which is a mindset that more people should adopt. Personally, I have tried to apply the lessons that I have learned from Rajesh into my daily life. He has inspired me to lend a helping hand whenever necessary and has made me better understand the quote, "You do not lose anything by giving; on the other hand you get back a thousand fold." My uncle, Rajesh Kothary, is a humble role model who cares deeply for his family and wouldn't hesitate to help another human being.

Thank you, Your Honor, for reading this letter and considering my experiences with Rajesh Kothary, I ask for your leniency when sentencing.

Sincerely,

Yashna Kothary

May 20, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

My name is Jamie Lee and I am an attorney at Silverman Thompson Slutkin & White, LLC, a litigation law firm located in Baltimore, Maryland.

I have known the Kothary family for nearly two decades. I consider his eldest daughter, Jilna Kothary, to be one of my closest friends. As Jilna and I have grown up and endured many life changes together, one thing has always remained constant: Mr. Kothary's commitment to his family and community.

I remember one time when I was at their home working on a 9th Grade English project with Jilna. I had told my parents to pick me up right before dinner, but it took much longer than expected (as school projects always do). Because my parents had to work late, I had nowhere to go. I still remember his warm smile as he pulled out a chair at the dinner table and asked me to stay for dinner. At that time, I hadn't known Jilna for very long, yet, he treated me like a family member that night.

The kindness Mr. Kothary showed me that night has been there every night for the past 18 years. His commitment to his family is unwavering, as demonstrated by the fact that all of his children still reside with him and his wife and the numerous annual trips that he and his family take visiting relatives across the East Coast.

Mr. Kothary is a family man who works hard to support his loved ones and the community. I ask this Court to recognize his humanitarian side and give him a lenient sentence so that he can continue to be the bedrock of the Kothary family.

Sincerely,

A handwritten signature in cursive script that reads "Jamie Lee". The signature is written in dark ink and is positioned above the printed name.

Jamie Lee, Esq.

15th April 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

I hope this letter finds you well. My name is Jyoti Mehta and I am Rajesh Kothary's niece (his sister's daughter) and so have known him my whole life. I am based in London, where I work as an assistant producer making documentaries, predominantly for the BBC.

Despite being in London, we are an extremely close family and Rajesh is one of the reasons for this. If there is one thing that drives him, it is being with family. At times of celebration, he brings his infectious laugh, his knack for organising party games and his beloved Bollywood karaoke machine. At times of difficulty, he is there being a rock. When another uncle of mine (on my father's side) passed away in London, Rajesh was straight on a plane so that he could support us through the funeral. This for me typifies his character. There is nothing he would not do to help and support his family.

It is the simple things in life that drive Rajesh and which bring him happiness – bringing together friends and family, playing games (he is an excellent cricket player), singing, eating homecooked food. He has led a quiet but fulfilling life, serving his family and his community and he has plenty more to offer both. For these reasons, I humbly ask the Court for leniency.

Sincerely,

Jyoti Mehta

Character reference for Rajesh Kothary

Nitin Mehta MBE, London, UK

Founder: Young Indian Vegetarians Society and Jain Animal Sanctuary.

I have known Rajesh Kothary for over 30 years. I am married to his sister. Rajesh is a very friendly individual, devoted to his family and always ready to help others. He has always been a keen sportsman and has been a voluntary coach for the game of Cricket. He has encouraged many young people to excel in the game, hoping for US to play the game on an international stage one day. He has always supported good charitable causes both in the US and abroad. Rajesh is a very calm, agreeable person. He is a thorough gentleman and he is committed to doing more and more voluntary work for charitable causes as he approaches retirement. I humbly request your honor to be lenient to Rajesh and he will prove to be a model citizen who will serve his community and his country with great dedication.

Nitin Mehta
226 London Rd.
Croydon
CRO 2TF
UK

From: Pratibha Mehta [patunitin@hotmail.co.uk]
Sent: Wednesday, April 25, 2018 6:12 PM
To: Danny Onorato
Subject: Character letter for Rajesh Kothary

25/4/2018

The Honourable Leonie M. Brinkema
United States District Court Judge
U.S District Court for the District of Columbia
401 Courthouse Square
Alexandria VA 22302

Dear Honourable Leonie M Brinkema,

My name is Pratibha Mehta and I am a housewife living in London. Rajesh Kothary is my younger brother and I have known him his entire life. We are a very close knit family, even though we are in different countries, my brothers keep in contact with me every week. Rajesh has very nice caring nature, he cares for everyone not only family. Since childhood he has helped everyone a lot, be it school work or cricket or helping someone who is sick.

He can connect with everyone; elderly, his friends or very small children. He goes out of his way to help others. Even my late mother used to live with him and she would always say no one can do what Rajesh selflessly does for others, asking nothing in return. Please do be lenient with Rajesh, he is a very good kind natured individual and he is the centre of our family.

Yours sincerely,
Pratibha Mehta

April 26, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

My name is Dr. Kiran P. Patel. I am a retired microbiologist with extensive research and practical experience studying infectious diseases and other public health related matters. I served the state of Illinois as a public sector employee for over 30 years.

I have had the great pleasure of knowing Rajesh for most of my adult life, a close friendship spanning nearly 40 years. Our relationship goes back to our time in Kenya as college students, growing during our time as roommates in Scotland (Ph.D. studies for me, Engineering for Rajesh), and has continued since. I recently saw Rajesh at my son's wedding. Through my friendship with Rajesh, I have come to know his family very well. And like Rajesh, they are incredible people with sound morals and good family/cultural values. I would describe them as a highly educated, noble family.

Succinctly describing the many qualities I admire about Rajesh is difficult, but I shall do my best. From the very beginning Rajesh has demonstrated a handful of qualities that we all seek to have as part of our own moral fabric. He is kind-hearted/empathetic, hardworking/industrious, social/humorous, and honest/well-intentioned. Below are a few representative examples that illustrate who he is as a person.

Kind-hearted: After university Rajesh spent a number of years in Nairobi, Kenya, while I established my life in the United States. At the time my mother was a widow at an advanced age well into her 80's without any immediate family in Nairobi. Routinely, Rajesh would bring my mother groceries – she was unable to drive, and not very mobile given her age and physical condition. He was at her every beck and call, taking her to doctor appointments, social gatherings, and checking up on her to ensure she was safe (and happy). It takes a special person, and a true friend, to look after someone else's parents as though they are your own, especially given the needs of someone of her age.

Hardworking/Industrious: Rajesh was a naturally talented academic, he sought the highest marks and achieved those high standards time and time again. During our time in Scotland he was recognized as one of the top engineers in this class. Apart from academics, Rajesh felt an obligation to support his siblings through their own educational pursuits. He provided the resources needed for two of his siblings to finish their studies, including the necessary monetary contributions, which required him to work hours well beyond the norm to gather such funds.

The result? One sibling earned their MBA and the other an accountant, both of which have enjoyed fruitful and productive careers.

Social/Sincere: Rajesh was also known as the social butterfly of our group. There wasn't a single person who didn't like Raj. He used to organize our cricket league back home, and it was only through his social network that we were able to put on such a league. He was the league coordinator and team captain. While in Scotland we used to go to the pub on Friday evenings, like many university students do. While the vast majority of our friends drank beer, myself included, Raj would drink orange juice. That's Raj in a nutshell. He has no vices. And to take it even further, Raj would always split the bill evenly, even though his share of the expenses were a fraction of the cost. He believes in sharing in the fun, being part of the group, and being responsible.

Honest: Rajesh has always been forward and honest with all of us. Though he's not an accountant, math was always a strong suit. He even managed our household expenses during our time in Scotland. We all absolutely trusted him with the purse strings, knowing full-well that Rajesh would be trustworthy with our precious, hard-earned funds. We were never short, nor was his ability to manage the process brought into question.

There's so much more I can say about Rajesh, but my ultimate objective is to describe a man who embodies what we should all strive to be as human beings. He is committed to his faith, family, and friends, and doesn't possess an opportunistic nerve in his being. I implore the court to seek tolerance and leniency, and to see the man we all see, a man with strong moral fabric and a genuineness that shines above all.

Sincerely,

Dr. Kiran P. Patel

May 13th, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

My name is Neil Patel and I am married to Rajesh Kothary's niece, Sweta Patel (Kothary). I am currently the Managing Partner of a supply chain consulting firm; My Supply Chain Group LLC with clients such as Costco Wholesale, Patterson Companies and Char-Broil grills. Through my business we sponsor many community and charity events with our customers in various formats. Most recently we were sponsors at the Costco 2018 Children's Miracle Network Hospitals Tournament which helps raise over \$100,000 in a single day for this great cause.

I have known Rajesh Kothary for 10+ years and he has always treated me with great respect and care. It was clear from the beginning the love he had for his niece and he graciously shared that with me as well, without hesitation. Further to that point, he has treated our kids like his own grandchildren. We are blessed to have him in our life and my children always look forward to facetimeing or meeting Rajesh Kaka (uncle) when he comes to visit. (And always with gift in hand!)

Since I have known Rajesh, he has made it very clear of his strong beliefs in the importance of family values and keeping strong family relationships. His faith in family has never wavered and it most recently became even more apparent when he was denied the right to travel to celebrate his 60th birthday in Cancun, Mexico with his entire family. He made it a point to tell each and every family the importance of still traveling for this event and spending time together as a single unit. I am sure many will share this story with you Judge Brinkema; however, I would like to focus on his children, who tirelessly worked to plan and coordinate this event and then keep it together when things were falling apart. As a father, I strongly believe it is possible to see the character of a man by the actions of his children. Rajesh has raised 3 admirable young adults who clearly love and cherish their father and his strong faith in god and family. Besides their general demeanor and convictions to both charity and faith, they are great examples of their father and are always displaying the qualities Rajesh is always speaking to the extended family about; to keep the bond of family strong and alive.

Judge, I sincerely request the most lenient sentence possible that you deem fit for this case. I would personally vouch for Mr. Rajesh Kothary and his character and look forward to you reading this letter.

Sincerely,
Neil Patel

May 13, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

By way of introduction, my name is Sweta Patel and I'm Rajesh Kothary's niece. I have known Rajesh for 34 years since I was born in Nairobi, Kenya and our families immigrated to the USA in 1998. From my childhood memories, my uncle Rajesh has always been a family man. In fact, I could say he was like a second father to me as he always invited and welcomed me and my two siblings on any vacations he went on with his family and he never treated us any different than his own kids. These vacations are some of my fondest memories as we travelled to safari destinations in Nairobi, beach towns in Mombasa, and continued the adventures in San Francisco, California (among others). These journeys led me to have an appreciation for traveling and exploring different cultures and countries, but most importantly, understanding and learning strong family values.

I currently work at a pharmaceutical company, Bristol-Myers Squibb in NJ as a Finance Associate Director managing and forecasting clinical trial budgets. I have worked at this company for 10 years and with increasing levels of responsibilities and a focus on my career, I sometimes have to be reminded that "I work to live and not live to work". Rajesh has always taught me (and continues) to teach that family is everything and joy is to be found in the little pleasures life gives us. I was debating whether I should have a party for my son's 2nd birthday since I didn't have much time to plan and thought he was too young to appreciate and/or remember this event. Rajesh convinced me to have the party since it was a big milestone for the family that should be celebrated. It was a great reason to get the whole family together and Rajesh travelled for six hours to attend a three hour party. But this is Rajesh, he cherishes time with family and now has formed a special bond with his grandnephew and grandniece who really enjoy playing and spending time with him.

Most recently, as a result of this on-going case, Rajesh was unable to attend his surprise 60th birthday party planned and hosted by his children in Cancun, Mexico. The entire family of 30+ members was very upset to hear this (as was Rajesh) but he made sure the family still continued with the trip. He was genuinely happy to see the family spend time together despite the fact he couldn't attend.

Rajesh lives a simple life, has great family values, including being honest and humble and I truly believe (and know) he would not intentionally hurt anyone. His involvement in this case is unfortunate and I kindly request you to please give him the most lenient sentence possible. Thank you for your time.

Sincerely,
Sweta Patel

The Honorable Leonie M. Brinkema

United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

My name is Mark Pharaoh, I'm a Burtonsville resident and currently vice chairman of the county-wide recreation and parks advisory board, chairman of the Burtonsville Day committee, and president of the Paint Branch High School athletic association boosters. I am formerly vice chairman of the Praisner Recreation Center advisory committee, Burtonsville Elementary School PTA president, PTA Northeast Consortium cluster coordinator, and PTA Northeast Consortium area vice president.

I first met Raj Kothary about 14 years ago as members of the Praisner Recreation Center advisory committee for 2 years. I then joined the Burtonsville Day committee with him, where he was in charge of the youth games. Raj is also involved with a group of volunteers expanding the sport of cricket within the area. My involvement with all of the volunteer organizations listed above gives me first hand knowledge of how hard it is to find people willing to volunteer their time to the community. Raj is one of the rare people willing to volunteer and is a great asset to the community.

Sincerely,

Mark Pharaoh

May 21, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

My name is Maithili Pradhan, and I live in Philadelphia and work in the field of diversity and inclusion. I am an active member of my community and volunteer with Maternity Care Coalition and Pennsylvania Innocence Project. I no longer practice law, but I attended Cornell Law School and was admitted to the NY bar in 2011.

I have known Rajesh Kothary for a number of years now as the father of one of my very close friends, Jilna Kothary. Jilna and I met in 2007, and in the past eleven years I have met her father a number of times, in family settings. Each time I have met him he has been warm, welcoming, and has shown himself to be a true supporter of my friend and her siblings in whatever path they chose to follow. I always found this particularly heartwarming because, being from an immigrant background myself, I know it can be difficult for immigrant parents to support their children in taking the path less traveled, and there is a strong desire to see your children established in more proven, "stable" career paths, even if their interests and abilities lie elsewhere. Rajesh, however, has always shown unwavering faith in my friend, and has been one of her biggest cheerleaders as she has undertaken activities that break ceilings like traveling alone, living in a different country, and leaving a corporate job in favor of working in the nonprofit sector and giving back to her community.

I have always known Rajesh to be a loving and caring family man, ready to open his heart and his home, and desirous of contributing to his community and his adopted country. If it is possible, I ask you to consider leniency for Rajesh.

Sincerely,

Maithili Pradhan

05/03/2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

This is Mahendra Sapa, Burtonsville, MD resident since 2000. I have been working as an IT consultant providing **IT** Management services to government agencies since last 2 decades. have been also serving as a volunteer at World Hindu Council of America (VHPAwww.vhpadc.org)and Maryland Cricket league (MCI - www.marylandT20.org) since past 10 years.

As a VHPA volunteer we are focused on teaching Hindu values and culture to our second generation children raising them as proud Hindu Americans. Beside we also get involved in greater community activities such as providing Math Tutoring & Hindi language services, support homeless, donate to various natural disasters in US. and Bharat etc.

I and Rajesh Kothary live in same area. We have known each other for more than 10 years. He is a very family oriented individual with strong ethics always ready to help. I started local youth cricket program and formed local youth team Maryland Thunder about 4 years ago. Upon learning about youth cricket program, Rajesh promptly came on board and has ever since VOLUNTARILY providing Coaching to youths in Burtonsville area. All the parents and players love and respect coach Rajesh for his commitment and dedication towards children. Maryland Thunder youth cricket team is his pet project and he is fully committed raising the game of cricket in our area. He is always there on or before time training kids with complete dedication.

For past couple of years he is also on board of Maryland Youth Cricket Association (MYCA) run by Jamie Harrison promoting cricket in the area; and also provides volunteer umpiring service. Talk to anyone across DC metro area cricket community and they all will have a high regards for our youth Coach Rajesh. Even when some children do not have ride to come to practice; he timely picks and drops them off. His action reveals his belief of service to mankind is service to God.

Our entire youth cricket program revolves around our coach Rajesh Kothary. His family, including his wife and children, plus his close knit extended families (siblings) lives as well revolves around him ..

I pray for your leniency as you announce your judgement later this year.

With folded hands

Sincerely,

Mahendra Sapa
301-377-3247
mahendrasapa@gmail.com

April 21, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

My name is Ken Salzman and I'm a business development manager at Smart Automation Solutions. I have lived in Gaithersburg, Maryland since 1988 with my wife of 30 years Wendy Salzman. I met Raj Kothary in November 2011 when I began working for Clear Connection in Beltsville, Maryland. Clear Connection has been selling and servicing a variety of telecommunications, IT, and security products in the Baltimore-Washington market for over 25 years. Due to Raj's knowledge and understanding of the technical aspect of all the service areas of Clear Connection, there was immediate interaction between us. I marveled at how calm and patient Raj was in spite of many people in the company requesting his time and expertise. Raj was always in a good mood, no matter the situation and we began to appreciate each other as I too always tried to remain in a glass half-full mode, even though we worked in a very chaotic and unpredictable place. Whenever I told Raj I really needed his help, whether it was a quick question or for the response to a major RFP-Request for Proposal, Raj would always help me. Sometimes, I felt it was unfair that so many people and so much of our business depended on him, but he always came through even if it meant staying with me until 12 midnight (which we did one time in preparation of a large RFP). And even though I was the one getting cranky, tired and annoyed at that time, Raj always stayed focused and we somehow made it and were able to respond to the RFP on time. Through these experiences Raj and I have developed a rich friendship that I cherish. He introduced me to Cricket, his favorite sport that he still plays and coaches. Since I had never seen a real Cricket match before and was curious to see one, Raj invited me to his house to watch a championship game one Saturday and I had the pleasure of spending the afternoon with Raj and his family. It was a great time. Raj knew that I was a high school basketball ref and one night he showed up to watch me ref a scrimmage at Paint Branch High School. He even took some video on his phone which I still have.

Raj Kothary is a person who is funny, smart, genuine, kind, thoughtful and one of the most unselfish people I have ever met in my 63 years. If you are lucky enough to meet Raj and spend some time with him, his spirit is contagious, and you remember him, and always feel that he touched you in a way that leaves a positive impression on you forever.

Thank you,

Ken Salzman

May 11, 2018

The Honorable Leonie M. Brinkema
United States District Court Judge
U.S. District Court for the District of Columbia
401 Courthouse Square
Alexandria, VA 22302

Dear Honorable Leonie M. Brinkema,

My name is Neil Shah and I am a resident of Connecticut. I am a Principal at a private investment firm that invests in small businesses.

I have known Rajesh Kothary and his family for approximately ten years. I married Rajesh's niece seven years ago. Based on my first meeting with Rajesh and his family I knew there was something special about them. To give you some background, my wife's father, Rajesh and his four other brothers and sister grew up in a joint family structure. As a result, they are all very close to each other. As someone from the outside I can see the love and care they have for each other and anyone that joins the family. Rajesh and his family welcomed me to the family with open arms and even had some clever, fun pranks as an initiation to joining the Kothary family and marrying their "daughter". I am blessed to be part of a family with so much love, laughter and respect for each other.

Each member of Rajesh's family plays a part in the values and close family structure they hold. Rajesh is the "glue" that keeps the family together. His love for family and his determination to further develop the family is evidenced by the emotions he displays. I recall when my wife and I first announced to the family that she was pregnant, Rajesh was the first to come congratulate us with tears of joy in his eyes. The family's well-being is a significant priority for Rajesh. As an example, when my daughter was six months old and fell ill upon our visit to Rajesh's home in Maryland, Rajesh and his wife comforted my wife and I (new parents) and Rajesh accompanied me at 2AM to the pharmacy to get medicine for our baby.

In addition to his love for family, Rajesh truly exhibits dedication to his community and always wants to provide a helping hand to those less fortunate. At one of our family gatherings, we played a game in which couples had to respond to questions independently

and those couples that matched the most answers with their significant other would win the game. One of the questions was "what would you do if you won the lottery?". While other couples responded with buying mansions, new cars, vacations, etc., Rajesh and his wife, Bhamini, (without seeing each other's answers) both responded, "donate the money". In my mind, this response truly defined the principles of Rajesh and his wife. Not only has Rajesh demonstrated his altruism from a theoretical standpoint, but he has been very active in volunteering time at food banks to help those less fortunate and dedicating time to coach kids' sports.

I am honored to be a part of the family that Rajesh and his brothers have so carefully nurtured. With Rajesh's guidance and motivation, they have set a path for the next generation of Kotharys to be people that work hard and for purpose, to display compassion and charitableness, to be contributors to society and overall be good human beings. The quote, "Not all heroes wear capes" may sound cliché, but in the case of Rajesh and what he means to his family, friends and community, I think it applies perfectly.

I appreciate you taking the time to read this letter, which I hope provides some insight on Rajesh. I gracefully request that you consider leniency for him.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil Shah", with a stylized, cursive script.

Neil Shah



April 12, 2018

The Honorable Leonie M. Brinkema

Re: Raj Kothary

Your Honor:

My name is Janet Zuckerman and I am of counsel at Clear Connection, Inc., where Raj Kothary has been employed since September 2006. We are a telecommunications interconnect company specializing in the areas of telecom, IT and security. As a Sales Engineer, Raj is the point person who configures many of our sales quotes and is required to maintain security clearance in all of the jurisdictions where we do business. This would include the DMV metropolitan areas as well as Baltimore. Raj has always been and remains a vital part of our sales team. He is the only Sales Engineer supporting several sales reps as well as the VP of Sales and the CEO and we anticipate Raj working with us for many more years.

During the almost 12 years Raj has been employed with us, I have gotten to know Raj to be a warm, caring individual who holds a deep love and respect for his family, his religion and his fellow employees. Raj has always gone the extra mile to do the right thing to make sure his clients are well taken care of and happy. Due to his religious beliefs, Raj is a strict vegetarian, and since I keep kosher, we often exchange vegetable recipes. Raj often brings me Chai tea which he knows I enjoy. I know about his family in Kenya, his upcoming daughter's wedding and he has helped us celebrate my family's milestones over the years. Our company is small and many of our employees have been with us for over 10 years, some over 20! We consider each and every one of them like family and Raj is no exception. Not to be redundant, but it would be a tremendous loss for us both personally and professionally if Raj were forced to step down from his position. Thank you.

Sincerely yours,

Janet Zuckerman

Janet A. Zuckerman
Counsel, Clear Connection, Inc.
301 289-3281
jzuckerman@clearconnection.com



May 9, 2018

The Honorable Leonie M. Brinkema

Re: Raj Kothary

Your Honor:

My name is Mark Zuckerman and I am the CEO of Clear Connection, Inc., where Raj Kothary has been employed since September 2006. We are a telecommunications interconnect company specializing in the areas of telecom, IT and security. Raj is a Sales Engineer, supporting the sales teams efforts. Raj both designs and configures most of the solutions that we sell. What is of utmost importance is his ability to maintain many his DCJS security certification. Raj has always been and remains a vital part of our sales team. He is our only Sales Engineer, supporting myself, our sales team and David Price the President. I am responsible for producing the most revenue for our company and this is directly tied to Raj supporting my efforts. Without his support my production would suffer. We hope that Raj will be working with us for many years to come.

Raj has been employed with us for 12 years, I have gotten to know Raj to be a warm, caring individual who holds a deep love and respect for his family, his religion and his fellow employees. We often talk about both religious and family matters. Again I wish to stress what a tremendous loss for me personally and professionally if Raj were forced to step down from his position.

Thank you for your consideration.

Sincerely yours,

Mark Zuckerman
CEO
Clear Connection, Inc.
301.289.3200
mzuckerman@clearconnection.com